

SESSION LAWS

OF THE

STATE OF WASHINGTON

TWELFTH SESSION

Convened January 9; Adjourned March 9

1911

COMPILED IN CHAPTERS WITH MARGINAL NOTES

—BY—

I. M. HOWELL

SECRETARY OF STATE

PUBLISHED BY AUTHORITY

OLYMPIA, WASH.
E. L. BOARDMAN, PUBLIC PRINTER
1911.

EXPLANATORY.

The Twelfth Legislature convened on January 9th, 1911, at 12 o'clock, noon (being the second Monday in January), and adjourned *sine die* on March 9th, 1911.

All laws passed by said session, and approved by the Governor, take effect in ninety days after the adjournment, or at 12 o'clock, midnight, June 7, 1911, except relief bills, appropriations and those acts having an emergency clause.

I. M. HOWELL,
Secretary of State.

STATE GOVERNMENT

1911

STATE OF WASHINGTON

STATE OFFICERS, BOARDS, COMMISSIONS AND PUBLIC
INSTITUTIONS OF WASHINGTON AT
DATE OF PUBLICATION.

<i>Office.</i>	<i>Name.</i>	<i>Address.</i>
U. S. Senator.....	Miles Poindexter	Spokane
	W. L. Jones.....	North Yakima
U. S. Representatives.....	Will E. Humphrey, 1st district...	Seattle
	Stanton Warburton, 2d district..	Tacoma
	William LaFollette, 3d district..	Pullman
Supreme Court Judges.....	R. O. Dunbar, C. J.	Olympia
	Mark A. Fullerton.....	Olympia
	Stephen J. Chadwick.....	Olympia
	M. F. Gose.....	Olympia
	Geo. E. Morris.....	Olympia
	Wallace Mount.....	Olympia
	Herman D. Crow.....	Olympia
	Emmett N. Parker.....	Olympia
	Overton G. Ellis.....	Olympia
Governor	M. E. Hay.....	Olympia
Governor's Private Secretary.....	Frank M. Dallam, Jr.....	Olympia
Secretary of State.....	I. M. Howell.....	Olympia
Assistant Secretary of State.....	J. Grant Hinkle.....	Olympia
Auditor	C. W. Clausen.....	Olympia
Assistant State Auditor.....	F. P. Jameson.....	Olympia
Deputy State Auditor.....	E. F. Jones.....	Olympia
Treasurer	John G. Lewis.....	Olympia
Deputy Treasurer	W. W. Sherman.....	Olympia
Attorney General	W. V. Tanner.....	Olympia
Assistant Attorney General.....	Geo. A. Lee.....	Olympia
Assistant Attorney General.....	J. T. S. Lyle.....	Olympia
Assistant Attorney General.....	Stephen V. Carey.....	Olympia
Assistant Attorney General.....	R. E. Campbell.....	Olympia
Law Clerk	W. M. Williams.....	Olympia
Commissioner of Public Lands.....	E. W. Ross.....	Olympia
Asst. Commissioner of Public Lands.....	Frank C. Morse.....	Olympia
Insurance Commissioner	John H. Schively.....	Olympia
Deputy Insurance Commissioner.....	S. A. Madge.....	Olympia
Actuary Insurance Department.....	F. T. Houghton.....	Olympia
Superintendent Public Instruction.....	Henry B. Dewey.....	Olympia
Asst. Supt. Public Instruction.....	J. M. Layhue.....	Olympia
Deputy Supt. Public Instruction.....	F. F. Nalder.....	Olympia
Adjutant General	Fred Llewellyn	Seattle

STATE OFFICERS, BOARDS, ETC.—CONTINUED.

Asst. Adj. General.....	Harvey J. Moss.....	Seattle
Commissioner of Labor.....	Charles F. Hubbard.....	Olympia
Asst. Commissioner of Labor.....	Mrs. Blanche H. Mason.....	Seattle
State Librarian.....	J. M. Hitt.....	Olympia
Assistant Librarian.....	Josephine Holgate.....	Olympia
Law Librarian.....	C. W. Shaffer.....	Olympia
Superintendent Traveling Library.....	Mrs. Lou J. Diven.....	Olympia
State Grain Inspector.....	C. J. Holst.....	Tacoma
Dairy and Food Commissioner.....	L. Davies.....	Davenport
State Fish Com'r and Game Warden.....	Jno. L. Riseland.....	Bellingham
Commissioner of Statistics.....	I. M. Howell, <i>ex-officio</i>	Olympia
Deputy Commissioner of Statistics.....	Harry F. Giles.....	Olympia
Horticultural Commissioner.....	F. A. Huntley.....	Tacoma
Coal Mine Inspector.....	D. C. Botting.....	Seattle
Inspector of Oils.....	A. A. Tozer.....	Everett
Public Printer.....	E. L. Boardman.....	Olympia
Bank Examiner.....	J. L. Mohundro.....	Seattle
Hotel Inspector.....	M. S. Kribs.....	Seattle
Fire Warden.....	J. R. Welty.....	Olympia
Highway Commissioner.....	W. J. Roberts.....	Olympia
State Geologist.....	Henry Landes.....	Seattle
Clerk Supreme Court.....	C. S. Reinhart.....	Olympia
State Chemist.....	Prof. Elton Fulmer.....	Pullman
State Veterinarian.....	S. B. Nelson.....	Pullman
State Sealer Weights and Measures.....	Secretary of State.....	Olympia
State Commissioner of Health.....	Elmer E. Heg.....	Seattle
State Fiscal Agency in New York.....	Trust Company of America.....	

STATE BOARDS AND COMMISSIONS.

Public Service Commission.....	H. A. Fairchild.....	Olympia
	John C. Lawrence.....	Olympia
	Jesse S. Jones.....	Olympia
	F. M. Larned, Secy.....	Olympia
	O. O. Calderhead, Rate Expert.....	Olympia
Tax Commission.....	J. E. Frost.....	Olympia
	T. D. Rockwell.....	Olympia
	Thomas A. Parish.....	Olympia
	E. J. Koors, Secy.....	Olympia
Board of Control.....	E. D. Cowen.....	Olympia
	H. T. Jones.....	Olympia
	A. E. Cagwin.....	Olympia
	H. G. Bailou, Secy.....	Olympia
Forest Commission.....	E. W. Ross.....	Olympia
	Frank H. Lamb.....	Hoquiam
	R. W. Condon.....	Port Gamble
	Joseph Irving.....	Snoqualmie
Board of Accountancy.....	F. M. Broadbent.....	Morton
	E. J. Shorrock*.....	Seattle
	H. W. Carroll.....	Seattle
	George Shedden.....	Tacoma
Bureau of Inspection of Public Offices.....	F. T. Green.....	Spokane
	Alfred Lister, Secy.....	Tacoma
	C. W. Clausen, Chief.....	Olympia
	James F. Leghorn.....	Olympia
	F. H. Lieben.....	Olympia
	Al. Helander.....	Olympia

* Resigned.

STATE OFFICERS, BOARDS, ETC.—CONTINUED.

State Capitol Commission.....	M. E. Hay.....	Olympia
	C. W. Clausen.....	Olympia
	J. E. Frost.....	Olympia
	Alex. Polson.....	Hoquiam
	A. F. Taylor.....	Everett
	Mitchel Harris.....	Olympia
	E. W. Ross, Secy.....	Olympia
Uniform Legislation Commission.....	Charles E. Sheppard.....	Seattle
	Alfred Battle.....	Seattle
	W. V. Tanner.....	Olympia
Board of Education.....	State Supt. Public Instruction..	Olympia
	Deputy Supt. Public Instruction.	Olympia
	President Univ. of Washington...	Seattle
	President Wash. State College..	Pullman
	E. T. Mathes.....	Bellingham
	Frank B. Cooper.....	Seattle
	H. M. Hart.....	Spokane
	Mrs. Josephine Preston.....	Walla Walla
First Military Board.....	H. T. Jones, Chairman.....	Olympia
	State Auditor.....	Olympia
	Adjutant General.....	Seattle
Second Military Board.....	H. T. Jones, Chairman.....	Olympia
	State Auditor.....	Olympia
	E. S. Hadley.....	Seattle
State Fair Commission.....	J. C. Hubbell.....	Ellensburg
	W. A. Ritz.....	Walla Walla
	J. T. Kloeber.....	Green River
	Charles Heath.....	North Yakima
	T. N. Henry.....	Prosser
	J. W. Pace, Secy.....	North Yakima
Southwest Washington Fair Com.....	W. J. Machette.....	Ladu
	George Robinson.....	Chehalis
	H. O. Stone.....	Toledo
	J. E. Calder.....	Montesano
	George Walker.....	Chehalis
	E. C. Trusdale.....	Centralia
	George F. Castle.....	Centralia
	F. D. Hubbard.....	Centralia
	Henry Tramm.....	Adna
	E. W. Lilly.....	Menlo
	Chas. E. Marvin.....	Olympia
	M. S. Hougen.....	Skamokawa
Library Advisory Board.....	Mrs. Kate T. Holmes.....	Seattle
	F. F. Hopper.....	Tacoma
	W. E. Henry.....	Seattle
	J. D. Bassett.....	Ritzville
Board of Medical Examiners.....	E. Weldon Young, Pres.....	Seattle
	A. McRae Smith.....	Bellingham
	H. R. Keylor.....	Walla Walla
	Charles E. Keeler.....	North Yakima
	E. J. Taggart.....	Bremerton
	W. T. Thomas.....	Tacoma
	Geo. H. Dow.....	Chehalis
	L. L. Garrigues.....	Spokane
	F. P. Witter, secy.....	Spokane

STATE OFFICERS, BOARDS, ETC.—CONTINUED.

Board of Dental Examiners.....	F. G. Titus.....	Vancouver
	E. B. Edgers.....	Seattle
	W. B. Powers.....	Seattle
	L. B. Manchester.....	Wenatchee
	A. Storke Oliver.....	Spokane
Board of Pharmacy.....	C. Osseward.....	Seattle
	James Lee.....	Seattle
	L. L. Tallman.....	Walla Walla
	J. H. Clossen.....	Seattle
	Peder Jensen, Secy.....	Tacoma
Board of Health and Vital Statistics....	Wolson Johnston.....	Colfax
	James R. Yocum.....	Tacoma
	E. L. Kimball.....	Spokane
	T. Frank.....	North Yakima
	Elmer E. Heg, Secy.....	Seattle
Board of Embalmers Examiners.....	O. W. Stone.....	Davenport
	L. L. Brunning.....	Colfax
Board of Barber Examiners.....	C. W. Whisler.....	Seattle
	Henry Schaller.....	Tacoma
	Thomas Ivey, Secy.....	Spokane
Nurses Examining Board.....	Helen K. Lester.....	Spokane
	Mrs. Mayme Barry.....	Walla Walla
	Miss Mildred Marsden.....	Tacoma
	Mary Howley.....	Seattle
	Audrey F. Waymire, Secy.....	Pullman
Veterinary Examining Board.....	A. J. Dammon.....	Ellensburg
	E. J. Drake.....	Seattle
	S. B. Nelson, State Vet'n.....	Pullman
Board of Optometry.....	L. E. Capps.....	Seattle
	J. P. Woll.....	Bellingham
	H. B. Vinton, Secy.....	Spokane
Industrial Insurance Commission.*		

EX-OFFICIO BOARDS AND COMMISSIONS.

Board of Finance.....	Governor.....	Olympia
	State Auditor.....	Olympia
	State Treasurer.....	Olympia
Historical Building Commission.....	Governor.....	Olympia
	Secretary of State.....	Olympia
	State Treasurer.....	Olympia
Board of State Land Commissioners....	Land Commissioner.....	Olympia
	Fire Warden.....	Olympia
	Members Tax Commission.....	Olympia
Board of Equalization.....	State Auditor.....	Olympia
	Land Commissioner.....	Olympia
	Members Tax Commission.....	Olympia
Public Archives Commission.....	Governor.....	Olympia
	Secretary of State.....	Olympia
	State Auditor.....	Olympia

* To consist of three members and a clerk; not yet appointed.

STATE OFFICERS, BOARDS, ETC.—CONTINUED.

Board of Geological Survey.....	Governor	Olympia
	State Treasurer	Olympia
	President Univ. of Washington....	Seattle
	President Wash. State College....	Pullman
Board of Dairy and Food Com'rs.....	Secretary of State.....	Olympia
	Dairy Commissioner	Davenport
	Prof. Agriculture W. S. C.....	Pullman
Public Property Commissioners.....	Secretary of State.....	Olympia
	State Auditor	Olympia
	State Treasurer	Olympia
Oyster Commission	Governor	Olympia
	Land Commissioner	Olympia
	Fish Commissioner	Bellingham
Library Commission	Governor	Olympia
	Attorney General	Olympia
	Supreme Court Judges.....	Olympia
Highway Commission	State Treasurer	Olympia
	State Auditor	Olympia
	Highway Commissioner	Olympia
Board of Fish Commissioners.....	Governor	Olympia
	State Treasurer	Olympia
	State Fish Commissioner....	Bellingham

EDUCATIONAL INSTITUTIONS.

Board of Regents Univ. of Wash.....	F. A. Hazeltine, Pres.....	South Bend
	John A. Rea.....	Tacoma
	John C. Higgins.....	Seattle
	Howard G. Cosgrove.....	Seattle
	Chas. P. Spooner.....	Seattle
	Alex. F. McEwan.....	Seattle
	A. L. Rogers.....	Waterville
Pres. of University of Washington....	Thomas Franklin Kane.....	Seattle
Board of Regents State College.....	J. J. Browne.....	Spokane
	Lee A. Johnson.....	Sunnyside
	Peter McGregor	Hooper
	R. C. McCroskey.....	Garfield
	D. S. Troy.....	Chimacum
President of State College.....	E. A. Bryan.....	Pullman
Board of Trustees State Normal School. (Cheney)	G. A. Fellows.....	Cheney
	Henry W. Collins.....	Rockford
	C. P. Lund.....	Spokane
	N. D. Showalter, Principal....	Cheney
Board of Trustees State Normal School. (Bellingham)	J. J. Donovan.....	Bellingham
	F. F. Handschy.....	Bellingham
	J. J. Edens.....	Bellingham
	E. C. Mathes, Principal.....	Bellingham
Board of Trustees State Normal School. (Ellensburg)	Fred P. Wolff.....	Ellensburg
	J. D. Cornett.....	North Yakima
	J. A. Mahan.....	Ellensburg
	W. E. Wilson, Principal.....	Ellensburg
School for Deaf.....	Thos. P. Clark, Supt.....	Vancouver
School for Blind.....	Geo. H. Mullin, Principal....	Vancouver
State Training School.....	C. C. Aspinwall.....	Chehalis

STATE GOVERNMENT, 1911.

OTHER STATE INSTITUTIONS.

Soldiers' Home	Geo. W. T. Tibbetts, Com.	Orting
Veterans' Home	Willis L. Ames, Com.	Port Orchard
Insane Asylum	A. P. Calhoun, Supt.	Fort Steilacoom
Insane Asylum	J. M. Semple, Supt.	Medical Lake
Northern Hospital for Insane	Dr. A. H. McLeish	Sedro-Woolley
State Penitentiary	C. S. Reed, Warden	Walla Walla
Institution for Feeble Minded	S. C. Woodruff, Supt.	Medical Lake
State Reformatory, Board of Mgrs.	Corwin S. Shank	Seattle
	Frank C. Jackson	Seattle
	Fred Reeves	Wenatchee
	John Hansen	Everett
	M. A. Langhorne	Tacoma
Superintendent of Reformatory	Cleon B. Roe	Monroe

SUPERIOR COURT JUDGES.

Adams	}	O. R. Holcomb	Ritzville
Benton			
Franklin			
Asotin	}	Chester F. Miller	Dayton
Columbia			
Garfield			
Chehalls		{ Mason Irwin }	Montesano
		{ Ben Sheeks }	
Chelan		Wm. A. Grimshaw	Waterville
Clallam	}	Lester R. Still	Coupeville
Island			
Jefferson			
Clarke		Donald McMaster	Vancouver
Cowlitz	}	H. E. McKenney	Kelso
Klickitat			
Skamania			
Douglas	}	R. S. Stelner	Waterville
Grant			
Ferry			
Okanogan		E. K. Pendergast	Conconully
King		{ Wilson R. Gay Boyd J. Tallman Robt. B. Albertson A. W. Frater Mitchell Gilliam John F. Main J. T. Ronald King Dykeman Robt. W. Prigmore R. H. Lindsey, Court Com. }	Seattle
Kitsap		John B. Yakey	Port Orchard
Kittitas		Ralph Kauffman	Ellensburg
Lewis		Alonzo E. Rice	Chehalls
Lincoln		C. H. Neal	Davenport
Mason	}	John R. Mitchell	Olympia
Thurston			

SUPERIOR COURT JUDGES—CONTINUED.

Pacific Wahkiakum	{	.....Sol Smith	.....South Bend
Pierce	{	C. M. Easterday W. O. Chapman Ernest M. Card M. L. Clifford	.....Tacoma
San Juan Skagit	{	.....Geo. A. Joiner	.....Mt. Vernon
Snohomish		.....W. W. Black	.....Everett
Spokane	{	Henry L. Kennan John D. Hinkle Wm. A. Huneke E. H. Sullivan J. Stanley Webster	.....Spokane
Stevens Pend d'Oreille	{	.....D. H. Carey	.....Colville
Walla Walla		.....Thomas H. Brents	.....Walla Walla
Whatcom	{	Ed. E. Hardin John A. Kellogg	.....Bellingham
Whitman		.....Thomas Neill	.....Colfax
Yakima	{	E. B. Preble Thos. E. Grady	.....North Yakima

SENATE.

MEMBERS OF THE SENATE, TWELFTH SESSION, 1911.

No. Dst.	NAME.	COUNTIES REPRESENTED.	P. O. ADDRESS.	POLITICS.
1....	Evan O. Davis*	Grant..... Douglas..... Ferry..... Okanogan.....	Ephrata	Republican
2....	A. W. Anderson.....	Stevens.....	Addy	Republican
3....	Jesse Huxtable.....	Spokane.....	Spokane	Republican
4....	R. A. Hutchinson*.....	Spokane.....	Spokane	Republican
5....	E. O. Whitney*.....	Spokane.....	Foothills	Republican
6....	George W. Sbaefer.....	Spokane.....	225 17th Ave., Spokane.....	Republican
7....	Harry Rosenhaupt.....	Spokane.....	2017 8th Ave., Spokane.....	Republican
8....	Oliver Hall.....	Whitman.....	Colfax	Republican
9....	Joseph Arrasmith*.....	Whitman.....	Colfax	Republican
10....	John R. Stevenson*.....	Asotin..... Columbia..... Garfield..... Adams.....	Pomeroy	Republican
11....	John D. Bassett*.....	Franklin..... Walla Walla.....	Ritzville.....	Republican
12....	D. H. Cox*.....	Walla Walla.....	Walla Walla	Republican
13....	John H. Smithson*.....	Chelan..... Kittitas.....	Ellensburg	Republican
14....	Charles E. Meyers*.....	Lincoln.....	Davenport	Republican
15....	Frank J. Allen.....	Benton..... Yakima.....	North Yakima	Republican
16....	John E. Chappell.....	Klickitat..... Skamania.....	Goldendale	Democrat
17....	A. B. Eastham*.....	Clarke.....	Vancouver	Republican
18....	F. L. Stewart*.....	Cowlitz.....	Kelso	Republican
19....	H. A. Espy.....	Pacific..... Wahkiakum.....	Oysterville	Republican
20....	H. O. Fishback*.....	Lewis.....	Adna	Republican
21....	H. B. Hewitt.....	Chehalis.....	Hoquiam	Republican
22....	A. S. Ruth*.....	Thurston.....	Olympia	Republican
23....	James W. Bryan*.....	Island..... Kitsap..... Mason..... Jefferson.....	Bremerton	Republican
24....	David S. Troy.....	Clallam..... San Juan.....	Chimacum	Democrat
25....	W. H. Paulhamus*.....	Pierce.....	Sumner	Republican
26....	Ralph Metcalf.....	Pierce.....	Tacoma	Republican
27....	John L. Roberts*.....	Pierce.....	Tacoma	Republican
28....	Arvid Rydstrom*.....	Pierce.....	Tacoma	Republican
29....	Peder Jensen.....	Pierce.....	Fern Hill (Tacoma).....	Democrat
30....	B. A. Bowen.....	King.....	Kent	Republican
31....	Ralph D. Nichols.....	King.....	4815 37th St. So., Seattle.....	Republican
32....	Daniel Landon.....	King.....	4115 Fremont Ave., Seattle.....	Republican
33....	Pliny L. Allen.....	King.....	523 25th St. So., Seattle.....	Republican
34....	George U. Piper.....	King.....	510 James St., Seattle.....	Republican
35....	Josiah Collins.....	King.....	1205 University St., Seattle.....	Republican
36....	John A. Whalley.....	King.....	652 W. Galer, Seattle.....	Republican
37....	Frank C. Jackson.....	King.....	801 35th Ave., Seattle.....	Republican
38....	J. A. Falconer*.....	Snohomish.....	Everett	Republican
39....	E. Milton Stephens.....	Snohomish.....	Monroe	Republican
40....	Emerson Hammer.....	Skagit.....	Sedro-Woolley	Republican
41....	Ed Brown*.....	Whatcom.....	Ouster	Republican
42....	Henry M. White.....	Whatcom.....	Bellingham	Democrat

* Holdover.

HOUSE.

MEMBERS OF THE HOUSE OF REPRESENTATIVES, TWELFTH SESSION, 1911.

No. Dist.	NAME.	COUNTIES REPRESENTED.	P. O. ADDRESS.	POLITICS.
1.. {	Henry R. Spedden.....	Stevens.....	Colville	Republican
	S. J. Appleman.....	Stevens.....	Newport	Republican
2.. {	R. E. Buchanan.....	Spokane.....	E. 321 Nora Ave., Spokane..	Republican
	W. E. Stephens.....	Spokane.....	1703 Crescent Ave., Spokane.	Republican
3.. {	Geo. L. Denman.....	Spokane.....	E. 2628 4th Ave., Spokane..	Republican
	Dalbert E. Twitchel....	Spokane.....	E. 1816 9th Ave., Spokane..	Republican
4.. {	Clyde Miller.....	Spokane.....	Waverly	Republican
	A. M. Stephens.....	Spokane.....	Deer Park	Republican
5.. {	Guy B. Groff.....	Spokane.....	402 Mohawk Blk., Spokane..	Republican
	Lloyd E. Gandy.....	Spokane.....	27 Sumner Ave., Spokane....	Republican
6.. {	Harve H. Phipps.....	Spokane.....	1718 Dean Ave., Spokane....	Republican
	E. H. Eshleman.....	Spokane.....	Madison Hotel, Spokane....	Republican
7.. {	Chas. R. Larue.....	Whitman.....	Colfax	Democrat
	Hugh C. Todd.....	Whitman.....	Colfax	Democrat
8.. {	W. C. McCoy.....	Whitman.....	Oakesdale	Republican
	H. S. McClure.....	Whitman.....	Garfield	Republican
9.....	Elmer E. Halsey.....	Asotin.....	Clarkston	Republican
10....	W. J. Kelly.....	Garfield.....	Pomeroy	Republican
11....	J. A. Fontaine.....	Columbia.....	Dayton	Democrat
12....	J. A. McLean.....	Walla Walla.....	Walla Walla	Republican
13.. {	Gustav Vollmer.....	Walla Walla.....	Waitsburg	Republican
	Francis A. Garrecht....	Walla Walla.....	Walla Walla	Democrat
14....	B. B. Horrigan.....	Franklin.....	Pasco	Democrat
15....	J. C. Gillett.....	Adams.....	Ritzville	Democrat
16.. {	E. L. Farnsworth.....	Lincoln.....	Wilbur	Democrat
	O. W. Stone.....	Lincoln.....	Davenport	Democrat
17....	J. W. Faulkner.....	Okanogan.....	Twisp	Democrat
18....	Edward Johnson.....	Douglas.....	Bridgeport	Democrat
19.. {	J. C. Hubbell.....	Kittitas.....	Ellensburg	Republican
	Geo. E. Dickson.....	Kittitas.....	Ellensburg	Republican
20.. {	Walker Moren.....	Yakima.....	North Yakima	Republican
	C. W. Chamberlin.....	Yakima.....	Granger	Republican
21....	William E. Hornibrook	Klickitat.....	Goldendale	Republican
22....	Wm. P. Christensen.....	Skamania.....	Stevenson	Republican
23.. {	Edward L. French.....	Clarke.....	Vancouver, R. F. D. No. 1..	Republican
	Geo. Y. Moody.....	Clarke.....	Washougal	Republican
24....	Oliver Byerly.....	Cowlitz.....	Ostrander	Republican
25....	J. G. Megler.....	Wahkiakum.....	Brookfield	Republican
26....	John H. Drissler.....	Pacific.....	South Bend	Republican
27.. {	Frank A. Martin.....	Lewis.....	Centralia	Republican
	J. E. Leonard.....	Lewis.....	Chehalis	Republican
	Wm. Scales.....	Lewis.....	Centralia	Republican
28.. {	P. H. Carlyon.....	Thurston.....	Olympia	Republican
	Archie W. Deming.....	Thurston.....	Littlerock	Republican
29.. {	Phil S. Locke.....	Chehalis.....	Aberdeen	Republican
	E. L. Minard.....	Chehalis.....	Elma	Republican
30....	Fred Straub.....	Chehalis.....	Hoquiam	Democrat
31....	Wm. M. Beach.....	Mason.....	Shelton	Republican
32....	Geo. F. Ward.....	Kitsap.....	Bremerton	Republican
33.. {	E. A. Sims.....	Jefferson.....	Port Townsend	Republican
	L. D. McArdle.....	Jefferson.....	Quilcene	Republican
34....	E. E. Fisher.....	Clallam.....	Port Angeles	Republican
35.. {	James McNeely.....	Pierce.....	Buckley	Republican
	G. Dowe McQuesten....	Pierce.....	3216 E. X St., Tacoma.....	Republican

MEMBERS OF THE HOUSE OF REPRESENTATIVES—CONCLUDED.

No. Dist.	NAME.	COUNTIES REPRESENTED.	P. O. ADDRESS.	POLITICS.
36..	Govnor Teats.....	Pierce.....	N. 13th & Alder Sts., Tacoma	Republican
	R. W. Jamieson.....	Pierce.....	3324 No. 28th St., Tacoma...	Republican
37..	E. D. Shutt.....	Pierce.....	1711 So. 9th St., Tacoma...	Republican
	J. H. Davis.....	Pierce.....	812 S. Ainsworth St., Tacoma	Republican
38..	James J. Cameron.....	Pierce.....	1115 D St., Tacoma.....	Republican
	Thomas A. Thompson.....	Pierce.....	3575 E. Howe St., Tacoma..	Republican
39..	Lorenzo Dow.....	Pierce.....	Fern Hill, Tacoma.....	Republican
	Frank J. Laube.....	Pierce.....	3311 No. 7th St., Tacoma...	Republican
40..	F. H. Tonkin.....	King.....	Black Diamond.....	Republican
	Fred J. Mess.....	King.....	Orillia.....	Republican
	Howard D. Taylor.....	King.....	Eagle Gorge.....	Republican
41..	Chas. H. Ennis.....	King.....	12th Ave. S. W., Seattle...	Republican
	George B. Webster.....	King.....	2309 Walnut A. S.W., Seattle	Republican
42..	Walter T. Christensen.....	King.....	2450 West 63rd St., Seattle...	Republican
	Edgar J. Wright.....	King.....	4743 University Blvd., Seattle	Republican
43..	William Wray.....	King.....	421 Lake Ave., Seattle.....	Republican
	Victor Zednick.....	King.....	543 22nd Ave. S., Seattle.....	Republican
44..	H. E. Kennedy.....	King.....	873 Madison St., Seattle.....	Republican
	J. A. Ghent.....	King.....	203-5 Marion Bldg., Seattle..	Republican
45..	Somers Hayes Smith.....	King.....	Madison Hotel, Seattle.....	Republican
	Francis Patrick Goss.....	King.....	1023 Union St., Seattle.....	Republican
46..	Oscar M. Haroldson.....	King.....	216 Wall St., Seattle.....	Republican
	Fred W. Hastings.....	King.....	2 Prospect St., Seattle.....	Republican
47..	H. D. Buchanan.....	King.....	1610 33rd Ave., Seattle.....	Republican
	H. E. Foster.....	King.....	325 19th Ave., Seattle.....	Republican
48..	H. W. Holmes.....	Snohomish.....	Everett.....	Republican
	J. E. Campbell.....	Snohomish.....	Everett.....	Republican
49..	Thos. Bird.....	Snohomish.....	Monroe.....	Republican
	J. L. Boyle.....	Snohomish.....	Snohomish.....	Republican
50....	Francis A. LeSourd.....	Island.....	Coupeville.....	Republican
51..	W. A. McKenna.....	Skagit.....	Mount Vernon.....	Republican
	J. O. Rudene.....	Skagit.....	LaConner.....	Republican
	W. W. Conner.....	Skagit.....	LaConner.....	Republican
52....	J. W. Frits.....	San Juan.....	Friday Harbor.....	Republican
53..	C. H. Hoff.....	Whatcom.....	Lawrence.....	Republican
	C. H. Woolridge.....	Whatcom.....	Ferndale, R. F. D.....	Republican
54..	J. A. Miller.....	Whatcom.....	Bellingham.....	Republican
	D. N. McMillan.....	Whatcom.....	Bellingham.....	Republican
55....	H. R. Alexander.....	Ferry.....	Keller.....	Democrat
56....	Thos. H. Atkinson.....	Chelan.....	Entiat.....	Republican
58....	Nelson Elcb.....	Benton.....	Prosser.....	Republican
59....	D. W. Jones.....	Grant.....	Coules City.....	Republican

STATUTES OF WASHINGTON
1911

PASSED BY THE
TWELFTH SESSION OF THE
LEGISLATURE

Convened January 9, 1911, Adjourned
March 9, 1911

LAWS OF WASHINGTON

PASSED AT THE

TWELFTH REGULAR SESSION, 1911.

CHAPTER 1.

[S. B. 1.]

APPROPRIATION FOR LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the expenses of the Twelfth Legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the funds of the State of Washington the sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the Twelfth Legislature of the State of Washington.

Appropriation \$75,000.

Passed by the Senate January 9, 1911.

Passed by the House January 9, 1911.

Approved by the Governor January 13, 1911.

CHAPTER 2.

[S. B. 30.]

NOMINATIONS UNDER CITY CHARTER RECALL PROVISIONS.

AN ACT providing for the nomination of candidates at elections held under city charter recall provisions in cities of the first class, and declaring an emergency.

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

SECTION 1. Whenever any city of the first class has heretofore, or shall hereafter, include in its city charter any provision for the recall of elective city officials, or any of them, at an election to be held for that purpose, if said

Recall of elective city officials.

charter provisions shall not specifically prescribe the method of nomination and placing the names of candidates upon the official ballot for use at said election, then and in that case, such candidates may be nominated in the following manner:

Per cent. necessary

By filing a certificate of nomination with the city comptroller or clerk of such city, signed by electors of said city equaling in number not less than five per cent of the total vote cast for the incumbent against whom the recall is directed, which said certificate of nomination shall be substantially in the following form:

Certificate.

“CERTIFICATE OF NOMINATION.”

[See generally § 4805 Rem.-Bal.]

We, the undersigned duly qualified citizens, voters and electors in and of the city of, in county, State of Washington, do hereby nominate, of, county, Washington, engaged in the business, and whose address is, as, candidate for the office of of the city of, county, Washington to be voted for at a special election to be held in the city of on the day of, A. D. 19:

We hereby certify that we, and each of us, undersigned, do and have hereby made the foregoing nomination, and that the said nominee is a duly qualified elector and voter in and of said city, county and state.

Name Residence Business Address Street Number.

Provided, That said signatures need not be all appended to one paper. Each elector signing a certificate of nomination shall add to his signature his place of residence, including street and number, his business and address. Said certificate of nomination shall be filed with the city comptroller or clerk of said city, at least ten days before the election to be held, and when so filed the comptroller or city clerk shall put the name of the nominees or candidates upon the official ballot, and in all cases the name of the incumbent of the office against whom the recall election is directed shall be printed upon the said official ballot at

Signing certificate and filing.

the head of the list of names thereon, without any petition in his behalf, unless in writing he should notify the city comptroller or city clerk to the contrary, and all the names upon said official ballot shall be printed without party or political designation, *And provided*, Nothing in this act contained shall be held to prevent any city which had the right to make or amend its own charter from making and prescribing in such charter any provision for a system of nomination at recall elections which shall thereupon, control and direct its city officials in the preparation of the official ballot for use at such elections.

No previous
methods
annulled.

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

Passed by the Senate January 16, 1911.

Passed by the House January 18, 1911.

Approved by the Governor January 20, 1911.

CHAPTER 3.

[S. B. 4.]

JOINT AID IN PUBLIC IMPROVEMENTS.

AN ACT relating to the power of counties of the first class to engage or aid in the construction, enlargement, improvement, modification and repair or operation of harbors, canals, waterways, slips, docks, wharves, and other facilities and public improvements for purposes of commerce, navigation, sanitation and drainage, or any thereof, and acquisition of wharf sites, dock sites, and other properties, rights and interests necessary or proper to be acquired, for public enjoyment of any such improvement, and to incur such indebtedness therefor, and to issue bonds for payment of moneys from sale of the same, and validating elections and other proceedings heretofore had or held for incurring such indebtedness or issue of such bonds; and declaring an emergency.

[This act is intended to validate bonds issued in aid of the Lake Washington canal, and is supplemental to §§ 8146 to 8165, Rem.-Bal.]

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

SECTION 1. That whenever the board of county commissioners of any county of the first class of this state shall deem it for the interest of the county to engage in

Joint aid
river and
harbor im-
provements.

Issue bonds
in payment.

Not to ex-
ceed 5 per
cent. of tax-
able value of
property.

Submit to
vote.

County
purpose.

or to aid the United States of America, the State of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county commissioners, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed five per centum of the taxable value of the taxable property in said county, as shown by the last previous assessment roll thereof for state and county purposes, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: *Provided*, That said commissioners shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

SEC. 2. That any and every such purpose as is mentioned in the foregoing section is hereby declared to be a county purpose.

SEC. 3. That, in case, at any special or general election, in any such county, the question of incurring any such indebtedness or issuing any such bonds has been submitted to the vote of the voters of such county at any time within one year next prior to the day when this act shall become a law and be in force, and the vote at such election was such as would have authorized, by sufficient majority of votes, the incurring of such indebtedness and the issuance of such bonds had this act been then in force, and such vote been taken pursuant to the provisions of this act, then, and in that case, such vote and all the proceedings in connection therewith had or taken, in manner and form aforesaid, be, and the same hereby are, validated and confirmed, and such county is authorized and empowered, by and through its county commissioners, to proceed with the matters of incurring such indebtedness and issuing such bonds, and payment of such indebtedness, by sale of such bonds, or otherwise, and with the matter of engaging or aiding in the construction or other public work or acquisition or operation, intended or contemplated in incurring such indebtedness, in substantially the same manner as in cases under section 1 of this act.

Voting prior
to this act.

Commis-
sioners em-
powered by
previous
election.

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

Passed the Senate January 16, 1911.

Passed the House January 18, 1911.

Approved by the Governor January 25, 1911.

CHAPTER 4.

[S. B. 22.]

APPROPRIATION FOR REWARDS AND EXTRADITION.

An ACT making a deficiency appropriation for extradition expenses and the rewards offered by the governor.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of three thousand five hundred dollars (\$3,500.00), or so much thereof as may be necessary, to be used in paying the expenses of extraditing criminals from other states and rewards offered by the governor for the fiscal period ending March thirty-first, 1911.

Passed the Senate January 13, 1911.

Passed the House January 13, 1911.

Approved by the Governor January 25, 1911.

Appropriating \$3,500 for extraditing criminals.

CHAPTER 5.

[H. B. 27.]

APPROPRIATION FOR LEGISLATIVE PRINTING.

AN ACT appropriating the sum of ten thousand dollars, or so much thereof as may be necessary to pay for such printing as may be ordered by the Twelfth Legislature or either branch thereof.

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

SECTION 1. That there be, and there is hereby, appropriated out of the funds of the State of Washington not otherwise appropriated the sum of ten thousand dollars, to pay for such printing as may be ordered by the Twelfth Legislature, or either branch thereof, such printing to be done under the provisions of an act of the legislature approved March 11th, 1905.

Passed the House January 12, 1911.

Passed the Senate January 19, 1911.

Approved by the Governor January 26, 1911.

Appropriating \$10,000 for printing ordered by Twelfth Legislature.

CHAPTER 6.

[S. B. 123.]

PROVIDING FOR CHALLENGERS, UNDER RECALL
ELECTIONS.

AN ACT relating to elections held under city charter recall provisions, providing for challengers thereat, and declaring an emergency.

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

SECTION 1. Whenever any city has heretofore, or shall hereafter, include in its city charter any provision for the recall of elective city officials, or any of them, at an election to be held for that purpose, each candidate at such election shall have the right to designate a challenger or challengers at each polling place: *Provided, however,* That this act shall not effect the right to have or to be challengers as otherwise provided by law.

Challengers
for recall
elections.

[At general
elections, see
§ 4786
Rem.-Bal.]

SEC. 2. Such challenger or challengers shall have the right to be within the polling place as fully as the election officers and during the whole time the polls are open and until the ballots are all counted, including the right to examine the ballot-box before any ballot is deposited therein: *Provided, however,* That there shall be no more than one challenger for each candidate in a polling place at any one time.

Rights and
privileges.

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

Emergency.

Passed the Senate January 30, 1911.

Passed the House January 31, 1911.

Approved by the Governor January 31, 1911.

CHAPTER 7.

[S. B. 5.]

ADOPTING OFFICIAL COMPILATION OF STATUTES.

AN ACT to adopt Remington & Ballinger's Annotated Codes and Statutes of Washington as an official compilation, and declaring an emergency.

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

Official compilation up to and including 1909.

SECTION 1. The compilation of the Session Laws of the State of Washington, arranged and compiled by Richard A. Ballinger and Arthur Remington, and known as Remington & Ballinger's Annotated Codes and Statutes of Washington, is hereby adopted as an official compilation of existing statutes of the state up to and including the year 1909.

Proper for citation and reference.

SEC. 2. It shall be proper for the legislature, in amending or repealing existing statutes, and for the courts in referring to existing statutes, to refer to or cite Remington & Ballinger's Annotated Codes and Statutes of Washington containing such law.

Emergency.

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

Passed the Senate January 24, 1911.

Passed the House January 30, 1911.

Approved by the Governor February 1, 1911.

CHAPTER 8.

[S. B. 19.]

WILLS EXECUTED OUTSIDE THE STATE.

AN ACT relating to wills executed without the State of Washington.

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

SECTION 1. That a last will and testament, executed without this state in the mode prescribed by the law, either of the place where executed or of the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state: *Provided*, Said last will and testament is in writing and subscribed by the testator.

Wills made outside the state.

[Modifies § 1320, Rem.-Bal., see also § 1318 Id.]

Passed the Senate January 16, 1911.

Passed the House January 25, 1911.

Approved by the Governor February 6, 1911.

CHAPTER 9.

[S. B. 114.]

RELATING TO LEGAL HOLIDAYS.

AN ACT relating to legal holidays and declaring an emergency.

[See §§ 61-65, Rem.-Bal.]

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

SECTION 1. Whenever any legal holiday, other than Sunday, shall fall upon any Sunday, the day next following such date shall become and be held as a legal holiday.

Holiday follows Sunday.

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

Emergency.

Passed the Senate January 30, 1911.

Passed the House February 8, 1911.

Approved by the Governor February 8, 1911.

CHAPTER 10.

[S. B. 52.]

VALIDATING ORGANIZATION AND CREATION OF COMMERCIAL WATERWAYS.

AN ACT to legalize and validate the organization, establishment and creation of commercial waterway districts organized, or established, or created, or attempted to be organized or established or created under an act approved August 17th, 1909, entitled "An act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, watercourses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency," and to legalize and validate existing contracts and obligations of such districts and bonds and other obligations executed or incurred in connection with or in pursuance of such attempted organization or establishment, and declaring an emergency.

[The act of 1909, §§ 8166-8212, Rem.-Bal., held void in State ex rel. Bussell v. Abraham et al., decided Jan. 12, 1911. This is intended as a validating act.]

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

SECTION 1. The organization, establishment and creation of all commercial waterway districts in this state heretofore had, or made, or attempted under the provisions of chapter 8 of the Laws of the Extraordinary Session of 1909, approved August 17th, 1909, entitled "An act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, watercourses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency," under which attempted organization, establishment or creation, an organized district has been maintained since the date of such attempted organization, establishment or creation is hereby for all purposes declared legal and valid, and such commercial waterway districts are hereby declared duly or-

Establishing commercial waterway districts.

Providing means of payment.

ganized, established and created. And all debts, contracts and obligations heretofore made or incurred by or in favor of any such commercial waterway district so attempted to be organized, established and created, and all official bonds or other obligations executed in connection with or in pursuance of such attempted organization, are hereby declared legal and valid and of full force and effect: *Provided*, That nothing herein shall be construed to legalize or validate any attempted assessment or condemnation which may have been had or initiated by such district prior to the passage of this act.

Declared
legal.

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

Emergency.

Passed the Senate January 30, 1911.

Passed the House February 2, 1911.

Approved by the Governor February 8, 1911.

CHAPTER 11.

[S. B. 77.]

RELATING TO COMMERCIAL WATERWAY DISTRICTS.

AN ACT relating to all commercial waterway districts, providing for their establishment, organization and creation, prescribing the powers, duties and authority of all commercial waterway districts, whether organized or validated under this act or organized or validated by virtue of any other act, authorizing all steps and proceedings or organizations which may have been had or taken under the commercial waterway act of 1909 approved August 17, 1909, to be continued and carried out under the provisions hereof, providing for the construction and maintenance of and means of payment for a system of commercial waterways, including the straightening, deepening and widening of rivers, water courses and streams, providing for the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, authorizing municipal corporations to advance funds in aid of commercial waterway districts, validating and legalizing the organization and establishment of commercial waterway districts organized or established, or attempted to be organized or established under the act of the legislature ap-

[This act is supplemental to chap. 10 *supra*, and is intended to cover defects in Act of Aug. 17, 1909, §§8166-8212, Rem.-Bal., as found in State ex rel. Bussell v. Abraham et al., decided Jan. 12, 1911.]

proved August 17, 1909, on the subject of commercial waterways, and legalizing and validating existing contracts and obligations of such districts, and official bonds and other obligations executed in connection with, or in pursuance of, such attempted organization, and declaring an emergency.

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

[See note to title.]

SECTION 1. Any county or portion of a county requiring commercial waterways may be organized into a commercial waterway district, and when so organized such district, and the board of commissioners hereinafter provided for, shall have and possess the power herein conferred, or that may hereafter be conferred by law upon such district and board of commissioners, and said district shall be known and designated as commercial waterway district No. of the county of, the State of Washington, and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession, and shall adopt and use a seal.

Commissioners possess power.

Right to sue.

The commissioners hereinafter provided for, and their successors in office, shall, from the time of the organization of such commercial waterway district, have the power, and it shall be their duty to manage and conduct the business and affairs of the district; make and execute all necessary contracts, employ and appoint such agents, officers and employes as may be required, and prescribe their duties, and perform such other acts as hereinafter provided, or that may hereafter be provided by law.

Commissioners make all contracts.

Petition presented and filed.

SEC. 2. For the purpose of the formation of such waterway district a petition shall be presented to and filed with the board of county commissioners of the county in which said proposed commercial waterway district is located, which petition shall set forth the object for the creation of said district; shall designate the boundaries thereof and set forth therein the area of land to be benefited by the proposed commercial waterway system, and shall also contain the names of all freeholders residing within said proposed district, so far as known, and shall contain a brief description of the proposed system of waterways, route over which

Route of construction.

the same is to be constructed, together with the proposed spurs or branches, if any there may be, and the termini thereof, and set forth the further fact that the establishment of said district and the proposed system of commercial waterways will be of special benefit to the property included therein, and will be conducive to the public health and sanitation and increase the public revenue. Said petition shall be signed by the owners of at least a majority of the area of land in the proposed district, or by their agents, and shall pray that the same may be organized under the provisions of this act. Said petitioners shall at the time of the filing of said petition file a bond with such county commissioners, running to the State of Washington, in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

[See note to title.]

Signed by owners of majority of area.

SEC. 3. Said petition shall be heard at a regular or special meeting of the board of county commissioners of said county, and said board of county commissioners shall give notice of said hearing by publishing such notice for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in said county, then in some such newspaper of general circulation therein, before the time at which the same is to be heard. Said notice shall give a general description of the nature of the improvement petitioned for, the boundaries and approximate area of the proposed district, the number of freeholders residing therein, so far as known, as shown by said petition, the number of petitioners on said petition, together with the total estimated amount of acreage represented to be owned by said petitioners. Said notice shall further state that said petition is on file at the office of said county commissioners, where the same may be examined or inspected by any person interested in said proposed district. When such petition is presented for hearing, the board of county commissioners shall hear the same, or may adjourn said

Publish notice two weeks.

Petition open to inspection.

[See note
to title.]

Final hearing.

Privilege
accorded
corporations.

Petition for
the extension
of bound-
aries.

hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the area of land that will be benefited by said proposed system of commercial waterways, and shall find whether the proposed commercial waterways will be conducive to the public health, sanitation, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the land included within said boundaries of said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include territory outside of the boundaries described in said petition: *Provided further*, That any person or corporation owning lands within the proposed boundaries and who did not sign said petition, or any person, or corporation owning land not included within the proposed boundaries may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; setting forth in said petition the reason therefor, but no person, persons or corporations not owning land included within the boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided*, Any corporation owning land within the boundaries described in the original petition may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided further*, That the boundaries of any commercial waterway district heretofore or hereafter established may be extended by the board of county commissioners so as to include other lands in said county, upon petition signed by the owners of a

majority of the area of said lands in the proposed extension; which said petition for extension shall set forth and contain, with reference to the extension, such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original waterway district: *Provided further*, That all necessary expenses incident to making such extension, together with the proportionate share of the first cost of any system of commercial waterways existing in the original commercial waterway district at the time of making said extension, shall be levied against and apportioned to the land included in such extension as in this act provided. In such case, the board of county commissioners shall give like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may in such case be continued from time to time for a period of not exceeding sixty days, and if on final hearing the board of county commissioners deem it advisable and for the best interest of all concerned, they may grant the prayer of said petitioners in whole or in part, and said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard upon the final hearing thereof.

[See note to title.]

Providing or necessary expenses.

Made of record.

SEC. 4. Upon the entry of the findings of the final hearing of said petition as set forth in the last preceding section, said board of county commissioners of said county, if they find said proposed system of commercial waterways will be of special benefit to the majority of the area of lands included within said boundaries and will be conducive to the public health, sanitation, welfare and convenience, and will increase public revenue, shall give notice of an election to be held in such proposed commercial waterway district for the purpose of determining whether the same shall be organized under the provisions of this act as a commercial waterway district of the

Give notice of election.

[See note
to title.]

State of Washington, and for the further purpose of choosing at such election three commissioners, who shall be known and designated as "Commercial Waterway Commissioners" for said district proposed to be organized, which said three commissioners shall, upon their election, be the district authorities of said commercial waterway district, and such notice shall describe the boundaries as established by the board of county commissioners on its final hearing of said petition and shall state the name of such proposed commercial waterway district, and approximately, the area of land in said district to be benefited thereby, and the same shall be published for, at least, two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in such newspaper of general circulation therein for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of said proposed district, which notice shall designate the places within the proposed district where the said election shall be held and require the voters to cast ballots which shall contain the words, "Commercial Waterway District, Yes" or "Commercial Waterway District, No," and also names of the persons voted for for commissioners for said commercial waterway district. The board of county commissioners shall also appoint two judges, one inspector and two clerks for each of said election places and the compensation shall be the same as hereinafter provided for, and shall be a charge upon said district in case the same be established and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of said improvement. In case said district be not established, then all costs and expenses shall be collectable from the bond hereinafter provided for, and any person having a charge against said district shall have a right of action thereon.

Published
for two
weeks.

Posting in
lieu of
publication.

Provision
for election.

SEC. 5. Said election shall be held on the day designated in such notice and shall be conducted as hereinafter provided for, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county in which such district is located, and shall have resided within the boundaries of said proposed district for a period of not less than ninety days next preceding the date of such election, or, unless he shall be the owner of real estate situated within said proposed district. The board of county commissioners shall on the Monday next succeeding said election count and canvass the votes cast thereat, and if on said canvass and count it appears that the majority of votes cast are for the "Commercial Waterway District, Yes," the board shall immediately enter an order upon its records declaring the proposed territory duly organized as a commercial waterway district, giving to such district a proper number, followed by the name of the county and state, and shall, also, declare the three persons who received the highest number of votes duly elected commercial waterway commissioners of such commercial waterway district. Said board shall cause a copy of the order entered of record duly signed to be filed in the office of the secretary of state, and from and after the date of such filing said organization shall be deemed complete, and the members of said board of commissioners so chosen at such election, before entering upon the discharge of their duties shall qualify as county commissioners are required to qualify, and to enter into a bond payable to the State of Washington for the benefit of said district with two or more sureties in the penal sum of not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars, conditioned for the faithful performance of their duties as commercial waterway commissioners, to be approved by the board of county commissioners and to be filed with the county clerk of the county in which said district is situated. The said commercial waterway commissioners shall hold office until the

[See note to title.]

Qualification of voters.

Number district.

Order of record.

Commissioners shall give bond.

[See note
to title.]

next general election at which officers of said commercial waterway district are to be elected and until such further time as their successors are elected and qualified. The members of each successive board of commercial waterway commissioners, whether elected or appointed, shall before entering upon their duties take an oath and enter into a bond, as herein provided, and after being approved by the board of county commissioners shall be filed in the office of the county clerk of the county in which said district is situated.

File bond
with county
clerk.

Elections—
when held.

SEC. 6. A general election for the election of a board of commercial waterway commissioners for such district shall be held upon the first Tuesday after the first Monday in December of each year after the year in which said district shall have been established and organized, and the term of office shall begin the second Monday of the following January. Said election shall be held in accordance with the school laws of the State of Washington. No official ballot shall be required at the first or any subsequent election, and the law known as the direct primary law of this state shall have no application to the election held under this act, and the expense thereof shall be defrayed by said district, and the judges, clerks and inspectors of said election shall each receive as compensation for the services rendered at such election the sum of three (\$3) dollars per day: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the board of commissioners of such commercial waterway district by posting the same in four public places within the said district. Said notice shall designate the voting places and contain the names of two electors of said district for each of said voting places as judges of said election, and the name of one elector of said district for each of said voting places as inspector thereof, the same to be chosen by said board of commissioners. Said board of commissioners shall act as a canvassing board to canvass the votes of each election, and they shall meet the day following such election and

Compensa-
tion for
election
officials.

Commis-
sioners
canvassing
board.

canvass said votes and declare the result thereof and issue certificates of election. [See note to title.]

SEC. 7. Any commercial waterway district organized or validated under the provisions of this act, or attempted to be organized under the provisions of any previous act and validated under the provisions of any other act, shall have the following powers and authority:

(a) The right of eminent domain, with power by and through its board of commissioners to cause to be condemned and appropriated private property for the use of said organization in the construction and maintenance of a system of commercial waterways and make just compensation therefor: *Provided*, That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: *Provided further*, That the said board of commissioners shall have the power to acquire by purchase all the property necessary to make the improvements herein provided for.

Power of waterway district.

(b) Said board of commissioners herein provided shall have the right, power and authority to straighten, widen, deepen and improve any and all rivers, watercourses, streams, whether navigable or otherwise, flowing through or located within the boundaries of said district.

Power of commissioners of waterway district.

(c) To construct all needed and auxiliary ditches, canals, flumes, locks, dykes, and all other artificial appliances in the construction of a commercial waterway system, and which may be necessary or advisable to protect the land in any commercial waterway district, from overflow, or to assist and become necessary in the preservation and maintenance of such commercial waterway system.

(d) In the accomplishment of the foregoing objects, the commissioners of such waterway district are hereby given the right, power and authority by purchase or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary and needed rights-of-way in the straightening, deepening, or widening, or otherwise improving of such rivers, watercourses or streams, and such auxiliary ditches, canals, flumes and dykes herein above

Right of eminent domain.

[See note
to title.]

mentioned, and when so acquired shall have and are hereby given the right, power and authority by and with the consent and approval of the United States government in cases where such consent is necessary, to divert, alter and change the bed or course of or otherwise improve any such river, watercourse or stream aforesaid, or to deepen, widen and straighten the same: *Provided*, That such diversion, alteration or change shall not be had without payment of compensation or damages for any property rights, riparian or otherwise, that may be taken or damaged thereby.

Compensa-
tion to be
made.

(e) The right, power and authority to acquire the necessary and needed rights-of-way for any and all purposes created by this act may be acquired by the commissioners of any waterway district over and across or upon any land or interest therein of the State of Washington, or any county of this state, and streets, alleys, and avenues, or public places of any city, town or municipal corporation of this state: *Provided, however*, That the construction of such commercial waterway or commercial waterways shall not have the effect of impairing any right, power or authority now existing on the part of any city or town to construct in, upon, underneath, above or across such commercial waterway or commercial waterways, sewers, water pipes, mains, the granting of any franchise thereon, or improve by the way of planking, replanking, paving, repaving or any other power, right and authority which, but for this act, such city or town would have in or to such street, avenue, alley or public place, except, however, that such right, power and authority on behalf of such city or town shall not be exercised either by such city or town or by any person or persons, firms or corporations, to whom it might grant any right or franchise which will materially impair the efficiency of said commercial waterway or commercial waterways. The provisions of this section as regards such system of commercial waterway or commercial waterways, to be constructed within the boundaries of any in-

Shall not
conflict with
existing
authority.

Provisions
inside of
corporate
limits.

corporated city or town, shall apply to the extension or enlargement of any commercial waterway or commercial waterways already existing upon, over and across any street, avenue, alley or public place of any city or town, as well as the original construction thereof. [See note to title.]

SEC. 8. All the right, title and interest of the State of Washington in and to so much of the beds and shores of any navigable river, stream, waterway or watercourse located within the boundaries of any commercial waterway district up to and including the line of ordinary high tide in waters where the tide ebbs and flows and up to and including the line of ordinary high water within the banks of any navigable rivers and lakes, to the extent that the same, under any proceedings to be had under this act, shall cease to become part of such river, stream, waterway or watercourse by reason of the diversion of such river, stream, waterway or watercourse, under any proceedings had under this act, are hereby given and granted and vested in the respective commercial waterway districts now existing, or hereafter to be formed, and the commissioners of such respective commercial waterway districts are hereby given the right, power and authority to sell such beds and shores in such manner and upon such notice and proceedings as govern, under the existing laws of the state, the board of county commissioners in the sale and disposition of any real estate belonging to the counties of this state. The proceeds of such sales are to be used for the benefit of such commercial waterway districts, and the payment of any expenses connected with the construction of such commercial waterways or maintenance thereof: *Provided, however,* That the commissioners of such commercial waterway district may, in their discretion, exchange such abandoned beds and shores, for other property needed in the straightening, deepening or widening of such rivers, watercourses or streams, and which exchange may be made upon such terms and conditions and in such areas as, in the discretion of such commissioners, they may deem advisable and Right to sell beds and shores.

May exchange for other property.

[See note
to title.]

for the best interests of such commercial waterway district without any notice or other formality or proceedings whatever.

County audi-
tor may sign
petition.

SEC. 9. (a) Whenever the county owns any lands situated within the boundaries of the proposed commercial waterway district, the county auditor, when so directed by the board of county commissioners of the county in which such lands are situated, is hereby authorized to sign the petition praying for the formation of such commercial waterway districts for and on behalf and as the act and deed of such county, and when so signed the same shall be considered in determining the question of majority signature in the area of the land to the petition for a formation of such district.

Comptroller
may sign
for city.

(b) Whenever any city or town owns any land situated within the boundaries of a proposed commercial waterway district, the city comptroller, when so directed by the council of said city or town in which such lands are situated, is hereby authorized to sign the petition praying for the formation of such commercial waterway districts for and on behalf and as the act and deed of such city or town, and when so signed the same shall be considered in determining the question of majority signature in the area of land to the petition for the formation of such district.

Commissioner
of public
land may
sign.

(c) Whenever the State of Washington owns any land situated within the boundaries of the proposed commercial waterway district the commissioner of public lands of the State of Washington, when so directed by the board of said land commissioners of said state, is hereby authorized to sign the petition praying for the formation of such commercial waterway district for and on behalf and as the act and deed of such state, and when so signed the same shall be considered in determining the question of majority signature in the area of the land to the petition for the formation of such district.

(d) Whenever any highway, roads or bridges are maintained by the county in which a commercial waterway dis-

trict may be established, as herein provided, and it shall appear that the construction and maintenance of such commercial waterway system will be beneficial to such highways, roads, and bridges or which will be beneficial to such highways, roads and bridges as may hereafter be constructed or maintained by the county in which such system of commercial waterways is situated, then the board of county commissioners of such county may, and it shall be the duty of such board to appropriate to such commercial waterway district an amount of money sufficient to pay the proportionate share of such county in accordance with the benefits received or to be received; whenever it may appear to the board of county commissioners of any county that any improvements made or to be made in any commercial waterway district under the provisions of this act shall, on account of the health of the people of the county, be beneficial in respect thereto, the board of county commissioners may make an appropriation of money to such commercial waterway district in such an amount to such board as may seem proper.

[See note to title.]

County commissioners may make appropriation.

(e) Whenever it shall appear to the city or town council of any incorporated city or town, not included or wholly or partly included within the limits of any commercial waterway district that the construction and maintenance of such commercial waterway system will be of special commercial benefit and will be beneficial to the health and sanitation of the inhabitants of such incorporated city or town and to the general welfare of the said city or town, then the said city or town council is hereby empowered and authorized to appropriate such amount of money out of the general funds of the said city or town as may to the said city or town council seem proper and just to such commercial waterway system, or the city or town council may for such purpose levy an assessment upon all the property in said city and town subject to taxation by said city or town, which shall not exceed one-half mill for each dollar of property.

City may make appropriation.

(f) Public highways, streets and alleys shall not be considered in computing the area of said district.

[See note
to title.]

Charge of
construction.

SEC. 10. Said board of commercial waterway commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all commercial waterways or commercial waterway systems which may be constructed within the said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law. In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation, such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term, or until the next general election or until a successor is elected and qualified: *Provided*, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.

Vacancy to
be filled.

Judge make
appointment.

File petition
in superior
court.

SEC. 11. Whenever it is desired to prosecute the construction of a system of waterways within said district, said district, by and through its board of commissioners, shall file a petition in the superior court of the county in which said district is located, setting forth therein the route or routes over which the same is to be constructed, with a reasonably accurate description thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such proposed improvement, the description of the land owned by each such land owner, and the maximum amount of benefits to be derived by each such lot, tract or parcel of land set forth therein from the construction of said proposed improvement, and that the same will be conducive to the public health, sanitation, convenience and welfare and increase the value of all of said property for purposes of public revenue. Said petition shall further set forth a reasonably accurate description of the tracts or parcels of land or property which will be taken or damaged by said improvement, and the names of the owners and occupants thereof, and all

Description
of tracts
shall be
given.

persons having any interest therein so far as known to the officers filing the petition or appearing from the records in the office of the county auditor, the total amount of land necessary to be taken therefor, and an estimate of the value of said land so sought to be taken. The said petition shall set forth as defendants therein all persons or corporations whose lands would be benefited by said improvement, or whose lands are sought to be appropriated for said improvement, or whose lands will be damaged thereby, or who have any interest in any of said lands or property as mortgagee, or otherwise appearing on the records of the county auditor's office. Said petition shall also set forth that said proposed system of waterways is necessary, and that all lands sought to be appropriated for rights-of-way or other purposes are necessary to be used in the construction and maintenance of said improvement.

[See note to title.]

Necessity for proposed system.

SEC. 12. In the preparation of the facts and data to be inserted in said petition and filed therewith for the purpose of presenting the matter to the said superior court, or any other time, the said board of commissioners of said commercial waterway district may employ one or more good and competent engineers, surveyors and draftsmen to assist them in compiling data required to be presented to the court with said petition as hereinbefore provided, and such legal and other assistance as may be necessary, with full power to bind said district for the compensation of such assistance or employes employed by them, and such services shall be taxed as costs in the suit.

May employ engineers, draftsmen.

SEC. 13. A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated or damaged, and those which it is claimed to be benefited by such improvement, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days, exclusive of the day of service, if served within the county in which the petition is pending, and if in any

Legal time of service.

[See note
to title.]

Serving
summons.

other county, then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication), shall be served on each and every person named therein as owner, encumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners, or their attorney, running in the name of the State of Washington and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the state, or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode, or in case of a foreign corporation, at its principal place of business in this state, with some person more than sixteen years of age; in case of domestic corporations, said service shall be made upon the president, secretary or other director or trustee for such corporation; in case of minors, on their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or insane persons, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated or damaged, or which it is claimed will be benefited by such improvement, is state, tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated or damaged, or which it is claimed will be benefited, is situated. In all cases where the owner or person claiming an interest in such real or other property is a non-resident of this state, or where the residence of such owner or person is unknown, an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a non-resident of this state, or that after diligent inquiry his residence is unknown or cannot be ascertained

Service by
publication.

by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated, once a week for three successive weeks; and in case no newspaper is published in such county, then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated or damaged, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each non-resident person or person whose residence is unknown. Such summons may be served by any competent person over twenty-one years of age. Due proof of service of such summons by affidavit of publication shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person not served; but all persons or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the superior court, or the judge thereof, may direct: *Provided*, That personal service upon any party outside of the state shall be of like effect as service by publication.

[See note to title.]

Proof of service filed with clerk of court.

SEC. 14. Any or all of said defendants may appear jointly or separately at the time and place appointed for hearing said petition, or to which the same may have been adjourned. If the court or judge thereof shall have satisfactory proof that all of the defendants in said action have been duly served with said summons, as above provided, and shall be fully satisfied by competent proof that said improvement is practicable and conducive to the public health, sanitation, welfare and convenience, and will increase the value of said lands for the purpose of public revenue, and that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, and that the land,

Defendants may appear for hearing.

[See note
to title.]

Jury to fix
compensation.

Summons of
special jury.

Award
amount of
damages.

real estate, premises or other property sought to be appropriated are required and necessary for the establishment of said improvement, the court or judge thereof shall cause a jury of twelve qualified persons to be impaneled to fix the compensation and to assess the damages and benefits, as herein provided, if in attendance upon his court, unless a jury is waived; and if not he may, if satisfied that the public interests require the immediate construction of said improvement, direct the sheriff of his county to summons from the citizens of the county in which the petition is filed as many qualified persons as may be necessary in order to form a jury of twelve persons, unless a jury be waived. If necessary, to complete the jury in any case, the sheriff, under the directions of the court or the judge thereof, shall summons as many qualified persons as may be required to complete the jury from the citizens of the county in which the petition is filed. In case a special jury is summoned the cost thereof shall be taxed as part of the cost in the proceedings and paid by the district seeking to appropriate said land, the same as other costs in the case; and no person shall be competent as a juror who is a resident of, or land owner in, the district seeking to appropriate said land. The jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation or company, or to the state, by reason of the appropriation and use of such land, real estate, premises or other property for said improvement and shall ascertain, determine and award the amount of damages to be paid to said owner or owners, respectively, and to all tenants, encumbrancers and others interested, for the taking or injuriously affecting such land, real estate, premises or other property for the establishment of said improvement; and shall further find a maximum amount of benefits per acre or per lot or tract to be derived by each of the land owners. And upon a return of the verdict into court the same shall be reported as in other cases; whereupon, a decree shall be entered in ac-

cordance with the verdict so rendered, setting forth all the facts found by the jury, and decreeing that said property be appropriated, and directing the commissioners of the district to draw their warrant on the county treasurer for the amount awarded by the jury to each person for damages sustained by reason of the establishment of said improvement, payable out of the funds of said district.

[See note to title.]

Warrants drawn on county treasurer.

SEC. 15. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name or such lot, parcel of land or other property is mentioned or described in such petition: *Provided*, Such person shall first be admitted as a party defendant to said suit by such court and shall file a statement of his interest in and description of the lot, parcel of land or other property in respect to which he claims compensation.

Statement of interest.

SEC. 16. The court may, upon the motion of such district or of any defendant, direct that said jury (under the charge of any officer of the court and accompanied by such person or persons as may be appointed by the court to point out the property sought to be taken or damaged) shall view the lands and property affected by said improvement.

Jury shall view lands.

SEC. 17. If there be any building standing, in whole or in part, upon any land to be taken, the jury shall add to their finding of the value of the land taken the damages to said building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the premises, then the measure of damages shall be the fair market value of the building. If part of the building is taken or damaged and the building can be readjusted or replaced on the part of the land remaining, then the measure of damages shall be the cost of readjusting or moving the building, or the part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving.

Damages to buildings.

[See note
to title.]

Segregate
damage on
request.

SEC. 18. If the land and buildings belong to different parties, or if the title to the property be divided into different interests by lease or otherwise, the damages done to each of such interests may be separately found by the jury on the request of any party. In making such findings, the jury shall first find and set forth in their verdict the total amount of the damage to said land and buildings and all premises therein, estimating the same as an entire estate and as if the same were the sole property of one owner in fee simple; and they shall then apportion the damages so found among the several parties entitled to the same, in proportion to their several interests and claims and the damages sustained by them respectively, and set forth such apportionment in their verdict. No delay in ascertaining the amount of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the extent of the interest of any defendant in the property to be taken or damaged, but in such case the jury shall ascertain the entire compensation or damage that should be paid for the property and the entire interests of all the parties therein, and the court may thereafter require adverse claimants to interplead, so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

May require
adverse
claimants to
interplead.

Providing for
omissions.

SEC. 19. If the board of waterway commissioners shall, at any time, discover that any lands within said district will be benefited by the waterway system, and the same were by mistake, inadvertence or other cause omitted from the assessment of benefits as provided for herein, or which were omitted for the reason that they were not at the time of assessing the benefits provided for herein, for any cause, subject to a legal assessment, said commissioners shall file a petition in the superior court in the original cause setting forth the facts of such benefits, describing the lands omitted, the reason the same were omitted in

said original proceedings and giving the names of the owners or reputed owners thereof and praying that said original cause, as to such lands, be opened up for further proceedings for the assessment of the alleged benefits, and upon the filing of said petition summons shall issue thereon and be served on the defendants named in said petition the same as summons is served and issued in original proceedings, and the jury, in assessing the benefits, shall take into consideration the length of time said lands are to receive the benefits from said improvement and its future maintenance, estimating said time from the date when said lands first became legally assessable, which date must be found by the jury in their verdict as to each tract or parcel found to be benefited: *Provided*, That a jury may be waived as in other proceedings herein: *And provided, further*, That in case the expense and the cost of the improvements has been paid for by assessments levied against the land assessed in the original proceedings before the lands provided for in this section are assessed, as provided herein, then, in such case, the assessments levied from time to time on said last mentioned land shall be paid into the maintenance fund of said district.

[See note to title.]

Levy be paid in maintenance fund.

SEC. 20. Every person or corporation feeling himself or itself aggrieved by any judgment for damages or compensation or any assessment of benefits provided in this act, may appeal to the supreme court of the state within thirty days after the entry of the judgment, and such appeal shall bring before the supreme court the propriety and justness of the amount of compensation or damages or assessment of benefits in respect to the parties to the appeal. Upon such appeal no bonds shall be required and no stay shall be allowed.

May appeal to supreme court.

SEC. 21. Upon the return of the verdict the proceedings of the court regarding new trial and the entry of judgement thereon shall be the same as in other civil actions, and the judgement shall be such as the nature of the case shall require. The court shall continue or adjourn the case from time to time as to all occupants

[See note
to title.]

Jury to as-
certain com-
pensation.

and owners named in such petition who shall not have been served with process or brought in by publication, and new summons may issue or new publication may be made at any time; and upon such occupants or owners being brought in, the court shall impanel a jury to ascertain the compensation so to be made to such defendant or defendants for property taken or damaged, and to ascertain and determine the maximum benefits received by any such property, and like proceedings shall be had for such purpose as herein provided.

Ownership
having
ceased.

SEC. 22. The court shall have power at any time, upon proof that any such owner or owners named in such petition who has not been served with process has ceased to be such owner or owners since the filing of such petition, to impanel a jury unless a jury be waived, and ascertain the just compensation to be made for the property, or the damages thereto or benefits received by said property which has been owned by the person or persons so ceasing to own the same, and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings enter such order.

Appointing
guardian.

SEC. 23. When it shall appear from the said petition or otherwise, at any time during the proceedings upon such petition, that any infant or insane or incompetent person is interested in any property that is to be taken or damaged, or benefited, the court shall appoint a guardian *ad litem* for such infant or insane or incompetent person to appear and defend him, her or them, and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane or incompetent person in such property or the compensation which shall be awarded therefor and benefits to be assessed.

SEC. 24. Any final judgement or judgements rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the

right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs, which shall be taxed as in other civil cases: *Provided*, That in any case defendant recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive as to the damages caused by such improvement, and as to the compensation to be allowed for property taken, unless appealed from, and no appeal from the same shall delay proceedings, if such district shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such districts, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation or damages which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court of the state by any party to the proceedings, the money so paid into the superior court by such district, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court and final judgment may be rendered in the superior court as in other cases.

[See note to title.]

No costs taxed.

Appeal to supreme court.

SEC. 25. The court, upon proof that just compensation so found by the jury, or by the court in case the jury is waived, together with the costs, has been paid to the person entitled thereto, or has been paid into court as directed by the court, shall enter an order that the district shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so paid or paid into court as aforesaid, and thereupon the title to any

Title vested in fee simple in district.

[See note
to title.]

property so taken shall be vested in fee simple in such district.

Court may
dismiss pro-
ceedings.

SEC. 26. In case the damages or amount of compensation for such property, together with the estimated costs of the improvement, amount to more than the maximum amount of benefits which will be derived from said improvement, or, if said improvement is not practicable, or will not be conducive to the public health, sanitation, welfare and convenience, or will not increase the public revenue, the court shall dismiss such proceedings, and in such case a judgment shall be rendered for the costs of said proceedings against said district, and no further proceedings shall be had or done therein; and upon the payment of the costs, said organization shall be dissolved by decree of said court.

Application
to court for
money
paid in.

SEC. 27. Any person or corporation claiming to be entitled to any money ordered paid by the court, as provided in this chapter, may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he is entitled to the same, the court shall make an order directing the payment of such claimant of the portion of such money as he or it may be found entitled to; but if, upon application, the court or judge thereof shall decide that the title to the land, real estate or premises specified in the application of such claimant is in such condition as to require that an action be commenced to determine the title of claimants thereto, it shall refuse such order until such action is commenced and the conflicting claims to such land, real estate or premises be determined according to law.

SEC. 28. Upon the entry of the judgment the clerk of said court shall immediately prepare a transcript, which shall contain a list of the names of all persons and corporations benefited by said improvement and the amount of benefit derived by each, respectively, and shall duly certify the same, together with a list of the lands benefited by such improvement belonging to each person and corporation, and shall file the same with the auditor of the county, who

shall immediately enter the same upon the tax-rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in said list, together with the amounts thereof, and the same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other taxes and subject to the same right of redemption, and the lands sold for the collection of said taxes shall be subject to the same right of redemption as the sale of lands for general taxes: *Provided*, That said assessments shall not become due and payable except at such time or times and in such amounts as may be designated by the board of commissioners of said district, which designation shall be made to the county auditor by said board of commissioners of said district, by serving written notice upon the county auditor designating the time and the amount of the assessment, said assessment to be in proportion to benefits to become due and payable, which amount shall fall due at the time of the falling due of general taxes, and the amount so designated shall be added by the auditor to the general taxes of said person, persons or corporation, according to said notice, upon the assessment rolls in his said office, and collected therewith: *Provided further*, That no one call for assessments by said commissioners shall be in an amount to exceed twenty-five per cent. of the amount estimated by the board of commissioners to be necessary to pay the costs of the proceedings, and the establishment of said district and waterway system and the cost of construction of said work: *Provided further*, That where the amount realized from the original assessment and tax shall not prove sufficient to complete the original plans and specifications of any waterway system, alterations, extensions or changes therein, for which the said original assessment was made, the board of commissioners of said district shall make such further assessment as may be necessary to complete said system according to the original plans and specifications, which assessment shall be made and collected in the manner provided herein for the original assessment.

[See note to title.]

In case of delinquency in taxes.

Designation made by commissioners to county auditor.

No call to exceed twenty-five per cent.

[See note
to title.]

Commis-
sioners shall
levy tax.

SEC. 29. In the event of the dismissal of said proceedings and the rendition of judgment against said district, as hereinbefore provided, said waterway commissioners shall levy a tax upon all the real estate within said district, taking as a basis the last equalized assessment of said real estate for state and county purposes, sufficient to pay said judgment and the cost of levying said tax, and shall cause said tax-roll to be filed in the office of the clerk of the superior court in which such judgment was rendered. If said tax is not paid within sixty days after the filing of said tax-roll, the court shall, upon the application of any party interested, direct said real estate to be sold in payment of said tax, said sale to be made in the same manner and by the same officer as is or may be provided by law for the sale of real estate for taxes for general purposes; and the same right of redemption shall exist as in the sale of real estate for the payment of taxes for general purposes.

Commis-
sioners shall
have full
power in the
construction
and im-
provement.

SEC. 30. After the filing of said transcript said commissioners of such waterway district shall proceed at once in the construction of said improvement, and in carrying on said construction or any extensions thereof, they shall have full charge and management thereof, shall have the power to employ such assistance as they may deem necessary and purchase all material that may be necessary in the construction and carrying on of the work of said improvement, and shall have power to let the whole or any portion of said work to any responsible contractor which said contract shall be let to the lowest responsible bidder after advertising for bids for such work in two successive issues of some weekly newspaper printed and published in such county, and shall in such case enter into all necessary agreements with such contractor that may be necessary in the premises: *Provided*, That in case the whole or any portion of said improvement is let to any contractor said commissioners shall require said contractor to give a bond in double the amount of the contract price of the whole or of such portion of said work covered by said contract,

Contractor
to give bond.

with two or more sureties to be approved by the board of commissioners of said waterway district and running to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns, according to the terms and conditions of said agreement, and shall cause said contractor to enter into a further or additional bond in the same amount, with two or more good and sufficient sureties to be approved by said board of commissioners of said waterway district in the name of said district as obligee therein, conditioned that said contractor, his executors, administrators or assigns, or subcontractor, his executors, administrators or assigns, performing the whole or any portion of said work under contract of said original contractor, shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or subcontractor, or any employee thereof in the construction of said improvement: *Provided further*, That no sureties on said last mentioned bond shall be liable thereon unless the persons or corporation performing said labor and furnishing said materials, goods, wares, merchandise and provisions, shall, within ninety days after the completion of said improvement, file their claim, duly verified, that the amount is just and due and remains unpaid, with the board of commissioners of said waterway district.

[See note to title.]

File claims within ninety days.

SEC. 31. The work on said improvement shall begin and shall be completed with all expedition possible, and said board of commissioners of such waterway district, or any contractor thereunder, shall have no power whatever to change said route or system of improvement or the manner of doing the work therein so as to make any radical changes in said improvement, without the written consent of all the land owners to be benefited thereby, and the land owners which may be damaged thereby. And in case any substantial changes in said system of improvement or the

Providing for changes.

[See note
to title.]

manner of the construction thereof shall be deemed necessary by said board of commissioners at any time during the progress thereof, and if the written consent to such changes cannot be procured from said land owners, then said commissioners, for and on behalf of said district, shall file a petition in the superior court of the county within which said district is located, setting forth therein the changes which they deem necessary to be made in the plan or manner of the construction of said improvement, and praying therein to be permitted to make such changes, and upon the filing thereof, the commissioners shall cause a summons to be served, setting forth the prayer of said petition, which summons shall be served in the same manner as the service of summons in the case of the original petition, upon all the land owners of or others claiming any lien or record interest in the lands benefited or damaged by said improvement or by said proposed change in said improvement, and any or all of said parties so served may appear in said cause and submit their objections thereto, and after the time for the appearance of all of said parties has expired, the court shall proceed to hear said petition at once without further delay, and if it appears during the course of said proceedings that the property rights of any of said land owners will be affected by such proposed change in said improvements, then the court, after having passed upon all preliminary questions as in the original proceedings shall cause, unless a jury be waived, a jury to be impaneled as in the case of the original proceeding for the establishment of said improvements, and upon the final hearing of said cause, the jury shall return a verdict finding the amount of damages, if any, sustained by all persons and corporations, the same as upon the original petition, by reason of such proposed change, and shall readjust the amount of benefits claimed to have been increased or diminished by any of said land owners by reason of said proposed change in said improvements, and the proceedings thereafter shall be the same as to rendering judgment, appeal therefrom, payment of compensation and damages

Court shall
hear petition.

Jury return
verdict for
damages.

and filing of the certificate with the auditor, as hereinbefore provided for in the proceedings upon the original petition, and said commissioners shall have a right thereafter to proceed with the construction of said improvements according to the changes made therein.

[See note to title.]

SEC. 32. During the construction of said improvement said commissioners shall have the right to allow payment thereof, in installments as the work progresses, in proportion to the amount of work completed: *Provided*, That no allowance or payment shall be made for said work to any contractor or subcontractor to exceed seventy-five per cent. of the proportionate amount of the work completed by such contractor or subcontractor, and twenty-five per cent. of the contract price shall be reserved at all times by said board of commissioners until said work is wholly completed, and shall not be paid upon the completion of said work until ninety days have expired for the presentation of all claims for labor performed and materials, goods, wares, merchandise and provisions furnished or used in the construction of said improvements; and upon the completion of said work and the payment of all claims hereinbefore provided for according to the terms and conditions of said contract, said commissioners shall accept said improvement and pay the contract price therefor.

Payment as work progresses.

Twenty-five per cent. reserved.

SEC. 33. The board of commissioners of any commercial waterway district shall on or before the first day of November of each year, make an estimate of the cost of maintenance of the waterway system, constructed in such district which estimate shall include the cost of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimates shall be made for the succeeding year and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located, on or before said date and the amount thereof shall be levied against and apportioned to the lands in such district benefited by said improvement in proportion to the maximum benefits originally assessed by the judgment of the court, and said

Estimate cost of maintenance.

Estimate certified by the commissioners.

[See note
to title.]

amount shall be added to the general taxes against said lands and collected therewith.

May issue
warrants.

SEC. 34. The board of commissioners of such district shall elect one of their number chairman and one secretary, and shall keep minutes of all their proceedings, and may issue warrants of such district in payment of all claims of indebtedness against such district; such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: *Provided*, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

May issue
bonds.

SEC. 35. Upon the establishment of any district under the provisions of this chapter, and the establishment of a waterway system therein as provided for in this act, the board of commissioners of such waterway district may, upon a petition of the owners of a majority of the land within such district to be benefited thereby, issue bonds for the total amount of the costs of construction of said improvement, together with the costs of the establishment thereof, including damages assessed and compensation made to land owners for right of way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than ten years from the date thereof; and such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him, which call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by

Outstanding
warrants
due on sale
of bonds.

publication for two successive weeks in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: *Provided*, That no bonds shall, under the provisions hereof, be sold for less than their par value.

[See note to title.]

SEC. 36. Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than ten years nor less than five years from the date of their issue, and bear interest at a rate not exceeding seven per cent. per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of waterway commissioners, and shall be attested by the secretary of the board, and the seal of such district shall be affixed to each bond, but not to the coupons.

Interest not exceeding seven per cent.

SEC. 37. Said bonds may be exchanged at not less than their par value for an equal amount of the warrants of the district issuing such bonds.

Bonds may be exchanged.

SEC. 38. Five years before said bonds shall become due the waterway commissioners of such district issuing them, are hereby authorized and required, annually, to levy an assessment sufficient to liquidate said bonds at maturity; such assessment shall be collected by the county treasurer and kept as a separate fund for the sole purpose of liquidating said bonds in accordance with the provisions of the following section.

SEC. 39. It shall be the duty of the treasurer of any county in which there may be a district issuing bonds under the provisions of this chapter, whenever he has upon hand two thousand dollars of the special fund for the payment of said bonds, to advertise in the newspaper doing the county printing, for the presentation to him for payment of as many of the matured bonds issued under the provisions of this chapter as he may be able to pay with the funds in his hands, to be paid in numerical order of said bonds, be-

County treasurer shall advertise.

[See note
to title.]

ginning with bond number one, until all of said bonds are paid. Said notice shall be published two weeks consecutively: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said bonds by their number, said bonds shall cease to bear interest, which shall be stated in the notice.

Interest
ceases after
call.

SEC. 40. It shall be the duty of such waterway commissioners annually to levy an assessment sufficient for the payment of the coupons hereinbefore mentioned as they fall due. Said coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this chapter, and, when presented to the county treasurer, and no funds are in the treasury to pay said coupons, it shall be his duty to indorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are indorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid.

Coupons
treated in
same way as
warrants.

SEC. 41. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond register, in which register he shall enter the number of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall in all cases be paid by the purchaser thereof to the county treasurer.

Bonds shall
be registered.

SEC. 42. All warrants issued under the provisions of this chapter shall be presented by the holders thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this act until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation

Warrants
presented
by holders.

to him for payment of as many of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their indorsement.

[See note to title.]

Notice published two weeks.

SEC. 43. Upon the trial of any questions of issue by a jury under the provisions of this chapter the trial court may, in its discretion, submit all questions to be found by the jury in the form of separate findings, or may submit to such jury separate forms of verdict on all such questions to be found by the jury therein.

Separate findings.

SEC. 44. All state, county, school district, or other lands belonging to other public corporations shall be subject to the provisions of this chapter, and such corporations, by and through the proper authorities, shall be made parties in all proceedings herein affecting said lands, and shall have the same rights as private persons, and their lands shall be subject to the right of eminent domain the same as the lands of private persons or corporations.

Relation of county, school district and other lands.

SEC. 45. In case lands belonging to the state, county, school district or other public corporation are benefited by any improvement instituted under the provisions of this chapter, all benefits shall be assessed against such lands, and the same shall be paid by the proper authorities of such public corporation at the times and in the manner as assessments are called and paid in case of private persons, out of any general fund of such corporation.

SEC. 46. Fees for services of all process necessary to be served under the provisions of this chapter shall be the same as for like services in other civil cases, or as is or may be provided by law.

Fees for service.

SEC. 47. In performing their duties under the provisions of this chapter the board of waterway commissioners shall receive such compensation as may be just and reasonable

[See note
to title.]

Services not
to exceed
\$3.00 per
day.

Objections
to allowance.

for all necessary services actually performed, not exceeding three dollars per day, to be determined and allowed by the court upon presentation by said commissioners, or either of them, of an itemized statement duly verified by either or all of such board, that the same is just, reasonable, necessary and that such services were actually performed, and that no part of said compensation has ever been paid, and in case such services are rendered by said board in the establishment or construction of said improvement, or any extension thereof, the amount thereof so allowed by the court shall be deemed to be a part of the cost of the construction and establishment of said improvement, and in case such compensation to be allowed by the court shall be for services rendered by said board in the repairing or maintenance of such improvement, such allowance shall be added to the annual cost of maintenance of such system: *Provided*, That any person interested therein may file objections to the allowance asked for either in whole or in part, and such claims so filed shall not be passed upon or allowed by the court until the expiration of thirty days from the filing thereof. Said board of commissioners, or the member thereof, presenting such claims or allowance, shall, at the time of the filing thereof in the court, post notices in at least four public places within said district, which said notices shall set forth therein the fact that an application for allowance has been filed in said court, giving the date of the filing thereof and the amount of the allowance applied for, and demand that any and all persons having any interest therein shall file objections in said court, if any they have, to the allowance of such claim or any portion thereof, within thirty days from the filing of such application for allowance, and the court shall hear said application and the objections thereto, if any be made and filed, and shall in its discretion, make such allowance in such amount as it may deem to be just in the premises, and the same shall be paid as other claims against said district are paid.

Court may
issue manda-
tory in-
junction.

SEC. 48. The superior court may compel the performance of the duties imposed by this chapter, and may, in its

discretion, on proper application therefor, issue its mandatory injunction for such purpose. [See note to title.]

SEC. 49. The organization, establishment and creation of all commercial waterway districts in this state heretofore had, or made, or attempted under the provisions of chapter 8 of the Laws of the Extraordinary Session of 1909, approved August 17th, 1909, entitled "An act relating to the establishment and creation of commercial waterway districts, and the construction and maintenance of a system of commercial waterways, including the straightening, deepening and widening of rivers, water-courses and streams and the protection of the banks thereof, and disposing of the interests of the state in the beds and shores of navigable waters, and to provide for the means of payment thereof, and declaring an emergency," under which attempted organization, establishment or creation, an organized district has been maintained since the date of such attempted organization, establishment or creation is hereby for all purposes declared legal and valid, and such commercial waterway districts are hereby declared duly organized, established and created. Former acts declared valid.

And all debts, contracts and obligations heretofore made or incurred by or in favor of any such commercial waterway district so attempted to be organized, established and created, and all official bonds or other obligations executed in connection with or in pursuance of such attempted organization, are hereby declared legal and valid and of full force and effect: *Provided*, That nothing herein shall be construed to legalize or validate any attempted assessment or condemnation which may have been had by such district prior to the passage of this act. Former acts in force.

SEC. 50. Nothing herein contained shall be considered as repealing any of the provisions of any act of the legislature relating to the validation and legalization of commercial waterway districts and obligations incurred by such attempted organizations, but all provisions of this act relating to the conferring of rights, powers and authority shall be deemed applicable to all commercial water- [Reference here is to chap. 10 supra.]

This act governs districts formed under previous acts.

[See note
to title.]

way districts, whether organized or validated under the provisions of this act or organized or validated or legalized under or by virtue of any other act. All proceedings, acts and things which may heretofore have been had or done or attempted to be had or done under the provisions of any other act of the legislature relating to commercial waterways shall be considered and deemed a full compliance with the provisions of this act with reference thereto. And any such district so validated or legalized shall be permitted to continue its operations in accordance with the provisions of this act with like effect as if said district had been originally organized under the provisions hereof, and as if said acts, proceedings or things had been had or done by it under the provisions of this act, it being the intention hereby to enable and permit such validated or legalized district to continue and complete its operations with like force and effect as if such district had been organized and had proceeded under the provisions of this act.

Emergency.

SEC. 51. An emergency exists and this act shall take effect immediately.

Passed by the Senate January 31, 1911.

Passed by the House February 2, 1911.

Approved by the Governor February 9, 1911.

CHAPTER 12.

[H. B. 158.]

COUNTY ASSESSORS' ANNUAL CONVENTION.

AN ACT relating to an annual convention of the County Assessors of the State and providing for the expense of the same.

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

SECTION 1. For the purpose of instruction on the subject of taxation, the county assessors of the state shall meet with the state board of tax commissioners at the capital of the state on the third Monday of January of

County
assessors
meet with
tax com-
mission.

each year. Each assessor shall be paid by the county of his residence his actual expenses in attending said convention, upon presentation to the county auditor of proper vouchers.

Passed by the House January 31, 1911.

Passed by the Senate February 7, 1911.

Approved by the Governor February 16, 1911.

CHAPTER 13.

[S. B. No. 115.]

PROVIDING PAYMENT OF OBLIGATIONS AGAINST ROAD DISTRICTS IN COUNTIES WHERE TOWNSHIP ORGANIZATION EXISTS.

AN ACT relating to and providing for the payment of obligations existing against road districts in counties which have heretofore, or which shall hereafter, adopt township organization government, and declaring an emergency.

[See § 9436,
Rem.-Bal.]

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

SECTION 1. Whenever any county has heretofore, or shall hereafter, adopt and take upon itself township organization and government under the provisions of any law passed pursuant to the provisions of section 4, article XI of the constitution of this state, authorizing such organization and government, and at the time of the adoption of such form of government there shall exist against any road district in such county, previously created and defined by the commissioners of such county, any obligations for debts incurred in the construction or repair of any roads or bridges in such road district, such change in the government of said county shall not in any way affect such existing obligations of any such road district; but all such obligations shall remain and constitute a valid charge upon and against all of the taxable property included within the territorial limits of such road district as it existed at the time of the adoption of

Township
organization
government.

Shall not
effect obliga-
tions of road
districts.

such township organization for the full amount of all of said obligations. For the purposes of this act, the territory which comprised said road district shall thereafter comprise and constitute a road tax district of said county, and said road tax district shall be designated by a like number by which said road district was theretofore known.

Tax shall be levied.

SEC. 2. There shall be levied annually at the same time the levy for general county taxes is made, and by the officers levying the said county tax, a tax of not more than five mills on the dollar on all taxable property within the territorial limits of every such road district as the same existed at the time of the adoption of such township organization for the payment of and until the full amount of all indebtedness, together with all accrued and accruing interest thereon, existing against any such road district, shall have been paid in full.

Tax shall be collected as other taxes are.

SEC. 3. The tax levied, as provided for in section 2, hereof, shall be extended upon the tax rolls of the county, and shall be collected by the county treasurer of said county at the same time and in the same manner as other taxes are collected, and said treasurer shall credit to the proper road tax district all sums collected from any such levy, and all sums so collected shall by the said treasurer be applied to the payment, in the order of their issue, of the outstanding warrants against the road district for the indebtedness of which said levy was made.

Emergency.

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

Passed by the Senate January 31, 1911.

Passed by the House February 8, 1911.

Approved by the Governor February 15, 1911.

CHAPTER 14.

[H. B. 29.]

RELIEF OF STEWART E. SMITH.

AN ACT for the relief of Stewart E. Smith, King county, State of Washington, and making appropriation therefor.

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

SECTION 1. That the sum of one hundred and ninety-seven dollars (\$197.) be, and is hereby appropriated out of the state treasury, from any funds not otherwise appropriated, to pay Stewart E. Smith for his services in completing the House Journal of 1909 after the adjournment thereof. Appropriating \$197.00.

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

Passed by the House January 31, 1911.

Passed by the Senate February 9, 1911.

Approved by the Governor February 17, 1911.

CHAPTER 15.

[H. B. 98.]

RELIEF OF MARY A. BRADLEY ET AL.

AN ACT for the relief of Mary A. Bradley, William O. Bradley, Janie Bradley and Florence Bradley, of Spokane county, and making an appropriation therefor.

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

SECTION 1. That the sum of three hundred eighteen and fifty-nine hundredths dollars (\$318.59) be and the same is hereby appropriated out of any money in the state treasury not otherwise appropriated, for the relief of Mary A. Bradley, William O. Bradley, Janie Bradley and Appropriating \$318.59.

Florence Bradley, for the purpose of reimbursing them as heirs of the estate of John Bradley, deceased, on account of excessive inheritance tax paid through mistake by said estate.

Auditor draw
warrant.

SEC. 2. The state auditor is authorized to draw a warrant on the state treasurer in favor of said Mary A. Bradley, William O. Bradley, Janie Bradley and Florence Bradley, for said amount, and the state treasurer shall pay said warrant out of any money in the state treasury not otherwise appropriated.

Passed by the House January 31, 1911.

Passed by the Senate February 9, 1911.

Approved by the Governor February 17, 1911.

CHAPTER 16.

[H. B. 80.]

RELATING TO UNIFORM PUBLIC SCHOOL SYSTEM.

AN ACT relating to a general and uniform public school system for the State of Washington, and amending sections 5, 7 and 9, article I, chapter 12, title III, and Sec. 1; article 4, chapter 12, title III, and Sec. 1, article VII, chapter 12, title III of the Code of Public Instruction.

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

[Amending
§ 4634,
Rem.-Bal.]

SECTION 1. That section 5 of article 1, chapter 12, title III, Code of Public Instruction, be amended to read as follows: Section 5. Before registering any certificate, the county superintendent of the county in which application was made for certificate shall satisfy himself that the applicant is a person of good moral character and personal fitness. In the event of a refusal to register a certificate, the county superintendent shall immediately notify the superintendent of public instruction of his action and shall fully and clearly state his reasons therefor, and the person aggrieved shall have the right of appeal to the superintendent of public instruction, and shall have the further right of appeal to the state board of education.

Refusal to
register
certificate.

SEC. 2. That section 7 of article 1, chapter 12, title III, Code of Public Instruction, be amended to read as follows: Section 7. Whenever evidence of successful experience is a prerequisite to the issuance or renewal of a certificate, it shall be deemed sufficient for the applicant to file evidence, satisfactory to the officer authorized to issue or renew the certificate, of having taught the required number of months and of being a successful teacher. The aforesaid documentary evidence of successful teaching shall be kept on file in the office of the superintendent of public instruction.

[Amending
§ 4636
Rem.-Bal.]

Renewal of
certificate.

Evidence
kept in office
of super-
intendent.

SEC. 3. That section 9 of article 1, chapter 12, title III, Code of Public Instruction, be amended to read as follows: Section 9. Credits of ninety per cent or over on a valid certificate obtained by examination in any other state in which the examination questions are prepared and answer papers graded by the state department of education may be accepted subject for subject in accordance with the rules and regulations prescribed by the state board of education.

[Amending
§ 4638.
Rem.-Bal.]

Credits on
certificates.

Accepted
under
conditions.

SEC. 4. That section 1 of article IV, chapter 12, title III, Code of Public Instruction, be amended to read as follows: Section 1. The common school certificates and diplomas issued by authority of the State of Washington, the period for which each shall be valid and the qualifications required of applicants for the same shall be as follows:

[Amending
§ 4644.
Rem.-Bal.]

Common
school
certificates.

First. Third Grade Common School Certificates: Applicant shall pass an examination in reading, grammar, penmanship and punctuation, history of the United States, geography, arithmetic, physiology and hygiene, theory and art of teaching, orthography, and Washington State Manual. This certificate shall be valid for one year: *Provided*, That the holder of a third grade certificate who shall, after the granting of the same, attend any accredited institution of higher education in this state for one year, shall upon application be granted a second grade certificate.

Third grade
subjects.

May obtain
second
grade.

Second
grade re-
quirements.

Second. Second Grade Common School Certificates: Applicant shall have credits in the same subjects as for a third grade common school certificate and shall take an examination in music. This certificate shall be valid for two years, but may be renewed, if, during the life of the certificate, the holder has complied with any one of the following conditions, to-wit: 1. An attendance of one semester at an accredited school of higher education, or of six weeks at an accredited summer school when satisfactory work was done in three subjects and certified to by the principal of such school. 2. Upon sixteen months of successful teaching.

First grade
requirements.

Third. First Grade Primary Certificates: Applicant must have taught at least forty-five months in the primary grades, and shall have credits in the same subjects as for a second grade certificate, and must also pass an examination in nature study, drawing, literature, and physical geography; but the state board of education may accept other subjects in lieu of two of the above subjects at the request of the applicant, as provided in section 8 of article 1 of this chapter. This certificate shall authorize the holder to teach in the primary grades only and shall be valid for five (5) years, and may be renewed for a like period if application is made not later than ninety (90) days after certificate expires, and if, during the life of the certificate the holder has complied with any one of the following conditions, to-wit: 1. An attendance of one year at an accredited institution of higher learning during the life of the certificate when satisfactory work was done in three subjects and certified to by the principal or president of such school; 2. Successful teaching for not less than twenty-four (24) months during the life of the certificate. Any renewal may be renewed in like manner.

Obtaining
credits.

Fourth. First Grade Certificates: Applicant must have taught at least nine (9) months and shall have credits in the same subjects as for a second grade certificate, and also in physics, English literature, algebra and physical geography. The state board of education may accept

other subjects in lieu of two of these upon request of the applicant, as hereinbefore provided. Applicant must secure the same number of credits as for a first grade primary certificate. This certificate shall be valid for five (5) years and may be renewed in the same manner and under the same conditions as a first grade primary certificate.

Provisions
by state
board.

Fifth. Professional Certificates: Applicant shall meet all the requirements for a first grade certificate, but must have taught successfully twenty-four (24) months, at least eight (8) months of which must have been in the State of Washington. He shall also pass an examination in plane geometry, geology, botany, zoology, and civil government: *Provided*, That the state board of education may accept other subjects in lieu of any or all of these upon the request of the applicant, as hereinbefore provided. This certificate shall be valid for five (5) years and may be renewed in the same manner and under the same conditions as a first grade certificate.

Professional
certificates.

Valid
five years.

Sixth. Permanent Certificates: Applicant must be the holder of a first grade primary certificate, a first grade certificate, or a professional certificate, or a renewal of any one of them, in full force and effect, and must have taught successfully not less than seventy-two (72) months, nor less than thirty-six (36) months in the State of Washington, nor less than eighteen (18) months subsequent to the granting of the certificate upon which the application is made. Upon filing satisfactory evidence of having met these requirements, together with the written endorsement of the county superintendent, a permanent certificate shall be issued of the same grade as that held by the applicant, valid during the life of the holder unless revoked for cause.

Permanent
certificates.

Issued for
life unless
revoked for
cause.

Seventh. Life Certificates: Applicant must file with the superintendent of public instruction evidence of having taught successfully for forty-five (45) months, not less than twenty-seven (27) months of which shall have been in this state. He must have the credits required for professional certificates and in addition shall pass an examination in the following, to-wit: Psychology, history of edu-

Requirements
for life
certificates.

cation, bookkeeping, composition, general history: *Provided*, That the state board of education may accept other subjects in lieu thereof upon request of the applicant. This certificate shall be valid during the life of the holder unless revoked for cause.

[Amending § 4652, Rem.-Bal.]

Temporary certificates.

SEC. 5. That section 1 of article VII, chapter 12, title III, Code of Public Instruction, be amended to read as follows: Section 1. Temporary certificates shall be issued in accordance with the rules and regulations of the state board of education.

Passed by the House January 25, 1911.

Passed by the Senate February 9, 1911.

Approved by the Governor February 18, 1911.

CHAPTER 17.

[H. B. 220.]

RELATING TO ORGANIZATION AND POWERS OF CITIES OF FIRST CLASS.

[This act validates charters of cities having the provisions named.]

AN ACT relating to the form of organization of cities of the first class and exercise of the powers of such cities, declaring the application of this act, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

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

Cities of first class; powers.

SECTION 1. The form of the organization and the manner and mode in which cities of the first class shall exercise the powers, functions and duties which are or may be given by law to such cities, with respect to their own government shall be as provided in the charters thereof.

Recall of elective officers.

SEC. 2. Any such city may provide in its charter for the recall of elective officers and for direct legislation by the people upon any matter within the scope of such powers, functions or duties of any such city by the initiative and referendum.

Act applies to any charter.

SEC. 3. This act shall apply to any charter of any such city heretofore adopted or approved by the electors thereof at an election duly held.

SEC. 4. All laws or parts of laws in conflict with this act are hereby repealed. Repeal.

SEC. 5. An emergency exists and this act shall take effect immediately. Emergency.

Passed by the House February 10, 1911.

Passed by the Senate February 20, 1911.

Approved by the Governor February 21, 1911.

CHAPTER 18.

[H. B. 5.]

RELATING TO POLICE RELIEF, HEALTH AND INSURANCE.

AN ACT to amend sections 1, 4, 5, 8, 11, 13 and 14 of an act entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the disbursement thereof, and creating a board of police pension fund commissioners," approved March 2, 1909, and being chapter 39, of the Session Laws of 1909.

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

SECTION 1. That section 1, of an act entitled "An act to create a police relief, health and insurance fund in incorporated cities of the first class, providing for the disbursement thereof, and creating a board of police pension fund commissioners," approved March 2, 1909, and being chapter 39, of the Session Laws of 1909, be, and the same hereby is, amended to read as follows: Section 1. The mayor, clerk, treasurer, president of the city council of each of the incorporated cities of the first class of the State of Washington, or in case any of said cities has no city council, the commissioner who has supervision of the police department, together with three members of the police department of each of said cities, to be elected as hereafter provided, are, in addition to the duties now required of them, hereby created and constituted a board of trustees, of the relief and pension fund of the police department of each of said incorporated cities, and shall provide for the

[Amending
§ 8078,
Rem.-Bal.]

Police pension fund.

Disbursing board.

disbursement of the said relief and pension fund, and shall designate the beneficiaries thereof, as hereafter directed, which said board shall be known as the board of police pension fund commissioners. The police department of each incorporated city of the first class in the State of Washington, shall elect three regularly appointed, qualified and acting members of said department to act as members of said board; said election shall be held every two years, at the times and in the manner in this section provided. Not more than thirty nor less than fifteen days preceding the date fixed by law for the regular election of the mayor of such cities, written notice of nomination of any member of said department for membership on said board may be filed with the secretary of said board. Each notice of nomination shall be signed by not less than five members of said department, and nothing herein contained shall prevent any member of said department from signing more than one notice of nomination. Said election shall be held on a date to be fixed by the secretary of said board and shall be not less than five days and not more than ten days before the date fixed by law for the election of the mayor as aforesaid. Notice of the dates upon which said notice of nominations may be filed and of the date fixed for the election of said members of said board shall be given by the secretary of said board by posting written notices thereof in a prominent place in the police headquarters of said city. For the purpose of said election, the secretary of said board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all the persons regularly nominated for such membership and shall furnish a ballot-box for said election. Each member of said police department shall be entitled to vote at said election for three persons as members of said board. The chief of said department shall appoint two members of said department to act as officials of said election, who shall be allowed their regular wages for said day, but shall receive no additional compensation therefor. Said election shall be held in the police

Police
department
elect.

When the
election
shall be
held.

Who may
vote.

headquarters of said department and the polls shall open at 7:30 a. m. and close at 8:30 p. m. The three nominees receiving the highest number of votes at said election shall be declared elected as members of said board, and their term shall commence on the same date as that of the term of office of the mayor of said city: *Provided*, That not more than thirty days after the taking effect of this act, a special election shall be held to elect members of said board from said department to serve until the expiration of the regular term of the present mayor of each of said cities. The secretary of said board shall fix the time for the filing of notices of nominations, allowing not less than five days for that purpose, and shall fix the date for said special election, which date shall be not less than five days after the expiration of the time fixed for the filing of notices of nominations. Said special election shall in every other respect be governed by the rules in this section provided for the holding of the regular election of members of said board.

Where held.

Elect from
fire depart-
ment.Special
election,
how gov-
erned.

SEC. 2. That section 4 of said act be, and the same hereby is, amended to read as follows: Section 4. Whenever any person at the taking effect of this act, or thereafter, shall have been duly appointed or selected and sworn, and shall have served for twenty years or more, in the aggregate, as a member, in any capacity or rank whatever, of the regularly constituted police department of any such city which may hereafter be subject to the provisions of this act, and shall have reached the age of sixty years, said board may order and direct that such person be retired from further service in such police department, and from the date of the making of such order the service of such person in such police department shall cease, except in cases of emergency as hereinafter provided, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one-half of the amount of salary attached to the rank which he held in said police department for the period of one year next preceding the date of such retirement.

[Amending
§ 8081,
Rem.-Bal.]Service
of twenty
years.

Retirement.

Paid one-
half salary.

[Amending
§ 8082,
Rem.-Bal.]

Becoming
physically
disabled.

Retired
on one-half
pay.

Restored
to active
service.

[Amending
§ 8085,
Rem.-Bal.]

\$1,000 paid
upon death
to rightful
heirs.

[Amending
§ 8088,
Rem.-Bal.]

Monthly
meetings.

SEC. 3. That section 5 of said act be, and the same hereby is amended to read as follows: Sec. 5. Whenever any person, while serving as a policeman in any such city shall become physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as such policeman, or become incapacitated for service, said incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, said board may, upon his written request filed with the secretary of said board, or without such written request, if it deems it to be for the benefit of the public, retire such person from said department, and order and direct that he shall be paid from said fund, during his lifetime, a yearly pension equal to one-half of the amount of salary attached to the rank which he may have held in said police department at the date of such retirement, but on the death of such pensioner his heirs or assigns, shall have no claims against or upon such police relief or pension fund: *Provided*, That whenever such disability shall cease, such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement.

SEC. 4. That section 8 of said act be, and the same hereby is, amended to read as follows: Section 8. Whenever any member of the police department of such city shall, after five years of service in said department, die from natural causes, then his widow, or child, or children under the age of sixteen years, or if there be no widow or children, then his parents or unmarried sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund.

SEC. 5. That section 11 of said act be, and the same hereby is, amended to read as follows: Section 11. The board herein provided for shall hold monthly meetings on the first Mondays of each month and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto for the amounts of money ordered paid to such persons from such

fund by said board, which warrants shall state for what purpose such payments are made; it shall keep a record of its proceedings, which record shall be a public record; it shall, at each monthly meeting, send to the treasurer of such city a written or printed list of all persons entitled to payment from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the president and secretary of such board, attested under oath. The treasurer of such city shall thereupon enter a copy of said list upon a book to be kept for that purpose and which shall be known as "The Police Relief and Pension Fund Book," and the said board shall direct payment of the amounts named therein to the persons entitled thereto, out of such fund. A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business.

List sent
city treas-
urer attested
by president
and secretary.

Board
to direct
payment.

SEC. 6. That section 13 of said act be, and the same hereby is, amended to read as follows: Section 13. Whenever any member of the police department of any such city shall, on account of sickness or disability, suffered or sustained while a member of said department, and not caused or brought on by dissipation or abuse, of which the board shall be judge, be confined to any hospital or to his home and shall require nursing, care or attention, the said board shall pay the necessary hospital, care and nursing expenses of such member out of said fund, and the salary of said member shall continue while he is necessarily confined to such hospital or home and necessarily requires care and nursing on account of such sickness or disability for a period not exceeding six months, after which said period the other provisions of this act shall apply.

[Amending
§8090.
Rem.-Bal.]

Sickness or
disability.

Benefits
not to
exceed six
months.

SEC. 7. That section 14 of said act be, and the same hereby is amended to read as follows: Section 14. Payments provided for in this act shall be made monthly upon proper vouchers. If at any time there is more money in the fund provided for in this act than is necessary for the purposes of this act, then such surplus shall be transferred

[Amending
§ 8091.
Rem.-Bal.]

Transfer
of surplus
fund.

from such fund to the general fund of the city: *Provided*, That at all times enough money shall be kept in said fund to meet all payments provided for in this act.

Passed by the House January 26, 1911.

Passed by the Senate February 10, 1911.

Approved by the Governor February 21, 1911.

CHAPTER 19.

[H. B. 156.]

RELATING TO INHERITANCE TAX.

AN ACT amending section 2 of chapter 217, Session Laws of 1907, relating to the taxation of inheritances, by striking from said section the proviso.

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

SECTION 1. Section two (2) of chapter 217, Session Laws of 1907, is hereby amended by striking from said section the proviso so that said section, when so amended, will read as follows:

SEC. 2. The inheritance tax shall be and is to be levied on all estates subject to the operation of this act on all sums above the first \$10,000.00, where the same shall pass to or for the use of the father, mother, husband, wife, lineal descendant, adopted child, or lineal descendant of an adopted child, one (1) per centum. On all sums not exceeding the first fifty thousand dollars, of three per centum, where such estate passes to collateral heirs to and including the third degree of relationship, and to six per centum where such estates pass to collateral heirs beyond the third degree, or to strangers to the blood. On all sums above the first fifty thousand dollars and not exceeding the first one hundred thousand dollars, four and one-half per centum to collateral heirs, to and including the third degree, and nine per centum to collateral heirs, beyond the third degree, or to strangers to the blood. And on all sums in excess of the first one hundred thousand dol-

[Amending
§ 9183,
Rem.-Bal.]

Levy of in-
heritance
tax.

3% on sums
not exceed-
ing \$50,000.

4½% on
sums between
fifty and
one hundred
thousand
dollars.

lars, the tax shall be six per centum to collateral heirs to and including the third degree, and twelve per centum to collateral heirs beyond the third degree or to strangers to the blood.

6% above
\$100,000.

Passed by the House February 2, 1911.

Passed by the Senate February 15, 1911.

Approved by the Governor February 21, 1911.

CHAPTER 20.

[H. B. 179.]

REGULATING SALE OF MILK AND CREAM.

AN ACT amending section 260, chapter 249, Session Laws 1909, regulating the sale of milk and cream in cities of the first class.

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

SECTION 1. Section 260 of chapter 249, Session Laws 1909, is hereby amended to read as follows:

[Amending
§ 2512,
Rem.-Bal.]

Sec. 260. Every person, firm or corporation, who, in any city of the first class, shall sell or deliver, or offer for sale, or have in his, their or its possession, with intent to sell or deliver, any milk or cream, without having a permit therefor duly issued by the commissioner of health, health officer or inspector of milk in such city, or without having such permit displayed in a conspicuous manner in his, their or its place of business, or without having the number of such permit and the name of the owner thereof or the name of the firm or corporation thereof, as the case may be, painted in a conspicuous manner on both outer sides of every wagon or other vehicle used for the sale or delivery of milk or cream by any such person, firm or corporation, shall be guilty of a misdemeanor.

Sale of
milk and
cream.

Permit
necessary.

Passed by the House February 7, 1911.

Passed by the Senate February 15, 1911.

Approved by the Governor February 21, 1911.

CHAPTER 21.

[H. B. 159.]

ASSESSING OPERATING PROPERTY OF RAILROADS.

AN ACT to amend section 12 of chapter 78, Session Laws of 1907, relating to the assessment of the operating property of railroads, approved March 6, 1907, and declaring an emergency.

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

[Amending § 9152, Rem.-Bal.]

SEC. 1. That section 12 of chapter 78, Session Laws of 1907, relating to the assessment of the operating property of railroads, approved March 6, 1907, be amended to read as follows:

Taxing the operating property of railroads as real property.

Sec. 12. In making the assessments of the operating property of railroads, and in the apportionment of the values and the taxation thereof, as hereinbefore provided, all land occupied and claimed exclusively as the right-of-way for railroads, with all the tracks, and substructures and superstructures which support the same, together with all side tracks, second tracks, turn-outs, station houses, depots, round houses, machine shops, or other buildings belonging to the road used in the operation thereof, without separating the same into land and improvements, shall be assessed and taxed as real property. And the rolling stock and other movable property belonging to any railroad company shall be considered as personal property and shall be assessed and taxed as such: *Provided*, That all of the operating property of street railroads shall be assessed and taxed as personal property.

Rolling stock considered personal property.

Exception.

Emergency.

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

Passed by the House February 2, 1911.

Passed by the Senate February 15, 1911.

Approved by the Governor February 21, 1911.

CHAPTER 22.

[H. B. 137.]

TERMS OF OFFICE OF COUNTY OFFICERS.

AN ACT to amend section 7 of article XI. of the constitution of the State of Washington, relating to terms of office of county officers.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1912, there shall be submitted to the qualified electors of the State of Washington a proposed amendment to section 7, article XI of the Constitution of the State of Washington, so that the same shall read, when so amended, as follows:

Section 7. No county treasurer shall be eligible to hold his office more than two terms in succession.

SEC. 2. The secretary of state shall cause the amendment proposed in section one (1) of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county wherein a newspaper is published throughout the state.

SEC. 3. There shall be printed on all ballots provided for the said election the words "For the proposed amendment to section seven (7) of article eleven (XI) of the Constitution, removing the prohibition against county officers, except county treasurer, holding office for more than two terms"; "Against the proposed amendment to section seven (7) of article eleven of the Constitution, removing the prohibition against county officers, except county treasurer, holding office for more than two terms."

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law and the said amendment shall be held to have been

[This proposed amendment removes the restrictions against county officers, except treasurer, holding more than two terms.]

Amending art. XI.

County treasurer.

Published three months.

For and against printed on ballots.

Governor issues proclamation as provided.

adopted and to have been a part of the Constitution from the time of such proclamation.

Passed by the House January 31, 1911.

Passed by the Senate February 16, 1911.

Approved by the Governor February 23, 1911.

CHAPTER 23.

[H. B. 165.]

PROVIDING FOR CONSTRUCTION, DEEPENING AND WIDENING PUBLIC WATERWAYS.

AN ACT to provide for the construction, deepening and widening of public waterways for the floatage of vessels and the drainage of swamps and overflowed lands, by assessment upon property benefited thereby; for the organization of waterway districts; for the exercise of the right of eminent domain in furtherance thereof; for the issuance of bonds to provide funds therefor pending the collection of assessments, and to provide for the care and control of such waterways; and declaring an emergency.

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

SECTION 1. Whenever in any county of this state the owners of lands bordering upon or accessible to any navigable water shall desire to improve their said lands, hereinafter designated as the "District," by the construction of a new public waterway, or the deepening or enlargement of an existing public waterway, for the floatage of vessels and the drainage of swamp and overflowed lands, and the proposed improvement will increase the public revenues and be of other public benefit, they may present the plan of such proposed waterway to the board of county commissioners of such county, hereinafter designated the "Board," and have the same acted upon as provided in this act.

SEC. 2. Lands shall be deemed accessible to such waterway when by reason of their nearness to the same their value will be materially increased by the construction or deepening or widening of such waterway.

County may
improve pub-
lic waterway
district.

Accessible
lands.

SEC. 3. The plan of such proposed waterway shall be presented to the board by a written petition of owners of lands which it is represented will be improved by the construction, deepening or widening of such waterway; and such petition shall be signed by the owners of thirty-five per cent. or more of the area of lands in the district, and shall be verified by one or more of the petitioners to the effect that the signatures attached are the genuine signature of the persons or corporations signing the same. Each petitioner shall add a description of the lands he owns. If petitioners are unmarried persons they shall so state. If lands are owned by married persons, husband and wife shall join in the petition. If a petitioner is a corporation, the signature shall be accompanied by a certified copy of a resolution of the board of directors or trustees of the corporation authorizing the person signing the petition for the corporation to execute it. If lands included in the petition are owned by minors, insane persons, or other persons under guardianship in this state, the petition may be signed by the guardians of such persons: *Provided*, That the signature be accompanied by a certified copy of an order of the superior court having the guardianship of such person in charge, authorizing the guardian to sign the petition. A petition may consist of one or more separate papers or sheets which are identified with the subject-matter.

Petition signed by 35 per cent. of area.

Signatures of minors, married, insane and unmarried owners.

Petition may have separate sheets.

The petitioners shall file with the board, with their petition, a map of the lands in the district and a statement showing each separate ownership of lands as shown by the public records of the county, and their location in the county, with the names of the owners as shown by such records, and the location of the proposed waterway if a new waterway is to be constructed. If an existing waterway is to be deepened the map shall show its location, and if it is to be widened the map shall show its location and the extent to which it is to be widened. With the petition there shall also be presented satisfactory evidence from the real property records of the county that the petitioners

Petitioners file map.

Evidence as to the ownership.

are severally the owners in fee simple of their respective tracts of land, and that all taxes and assessments due thereon are paid. If it is proposed that any lands in the district shall be filled with the material dug or dredged from such waterway, the petition shall so state, and the map of the district and plan of the improvement shall show the location, depth and yardage of such fill. The petition may also fix the price per cubic yard at which such fill shall be charged to the land filled, which charge shall be added to the assessment for the improvement to be made upon such lands and be paid as a part thereof. If the price of filling is not fixed by the petition it may be fixed by the board.

Price for filling fixed by board.

At any time after the filing of such petition one or more of the petitioners may file and record in the office of the auditor of the county, notice of the pendency of the proceeding, describing the boundaries of the proposed district, and from the time of such filing all persons shall be deemed to have notice of the pendency of the proceeding and be bound thereby. Upon the hearing upon such petition, hereinafter provided, if the same be denied any person interested may file in the office of said county auditor a certified copy of the order denying the same, whereupon the auditor shall enter the discharge of the notice of the pendency of the proceeding on the margin of the record thereof. And the like discharge may be filed whenever the proceeding is terminated for any other reason.

Hearing petitioners.

SEC. 4. Said petitioners shall at the time of filing their petition with the board, file a bond executed by one or more of their number as principals, and in behalf of all, and by a surety corporation authorized to become surety upon public bonds in this state, which bond shall run to the State of Washington as obligee and be in the sum of five hundred dollars, conditioned that they will pay all costs of the proceeding in case for any reason the petition shall not be granted, or in case no fund shall thereafter be created for the payment of the expense attending said proposed waterway improvement. And said petitioners

Petitioners file bond.

shall, from time to time as the board shall estimate and order, pay the costs and expenses of such proceeding.

Petitioners
pay costs
of pro-
ceeding.

SEC. 5. Said petition, after the filing thereof, shall be taken up and considered by the board at the next regular or special meeting thereof, or as soon thereafter as may be convenient, and if the petition be defective in any particular it may be amended and an adjournment of the matter may be had to permit of such amendment, for a time not exceeding thirty days. If the petition be defective and be not sufficiently amended within the adjournment taken, it shall be dismissed. But if such petition be in fact sufficient, or if by amendment it be made sufficient, it shall be the duty of the board to enter an order setting a time for a public hearing thereon within thirty days from the date of such order, and directing the clerk of the board to give notice of the time and place of such hearing in the official newspaper of the county by publication therein at least once each week for three successive weeks before the time of hearing; and in case there be no such official newspaper, then in some newspaper of general circulation in said county. Such notice shall be addressed to the owners of lands not petitioning, as shown by the petition or as may be ascertained to be the fact, and to all other persons known and unknown having or claiming an interest in the lands in the district, and shall state the pendency of the proceeding, its object, the names of the signers of the petition, the number of acres of land they claim to own, the whole number of acres proposed to be improved, the boundaries of the lands to be included in the improvement district, and the time and place of hearing. And notice shall also be given that at the time and place named, or at such time as the same may be adjourned to, the board will consider the petition under the provisions of this act, and will hear all objections offered by interested parties and grant or refuse the petition as it may be advised. The clerk of the board shall keep a record of all orders, hearings and proceedings of the board in reference to such waterway district in a separate bound

Pettiton con-
sidered by
board.

Defective
petitions
dismissed.

Notice by
publication.

Board to
hear the ob-
jections.

book, designated as the record of proceedings as to such district.

Owner may file consent.

SEC. 6. At the time and place prescribed in the said notice any owner of land within said proposed improvement district may file with the board his written consent to the proposed improvement, and he shall then be considered as a petitioner; and if the owners of more than one-half of the lands within the district, including the lands represented by the petition, shall assent to the prayer of said petition, the board shall then proceed to hear and consider any objections which may have been filed at that or any previous time, and may adjourn such hearing from day to day. If the board after full hearing on the merits of the proposed waterway shall be satisfied that the same will be of benefit to the public interests, and that private benefit will result to the lands within the district sufficient to equal the cost of the proposed improvement, they may make findings accordingly and declare their intention to establish the waterway district under the name of the "..... Waterway District" and make the improvement as prayed for; but if the owners of less than one-half of the lands in the district shall assent to the creation thereof and the making of the proposed improvement, the board shall deny the petition and the proceeding shall be dismissed.

Board to make findings and declare establishment of district.

Right to sue and be sued.

SEC. 7. Upon the entry of an order creating such waterway district by the board, it shall have power to perform all the duties and exercise all of the authority conferred upon it by this act, and shall have the right to sue and be sued in all matters pertaining to such district as the representative thereof, in the same manner and to the same extent as in all other county affairs. But such district shall bear all the expenses of such action on the part of the board, and the county shall be at no expense or charge therefor.

Right of eminent domain.

SEC. 8. Said board shall have the right of eminent domain for the acquisition of lands necessary to the construction or widening of the proposed waterway, and may

cause all necessary lands to be condemned and appropriated or damaged for the use of said waterway, and make just compensation therefor. The private property of the state, the county, and other public or *quasi*-public corporations (except incorporated cities and towns), and of private corporations, shall be subject to the same rights of eminent domain at the suit of said board as the property of private individuals.

SEC. 9. Whenever in aid of the construction or widening of any such waterway it shall be necessary to cross or disturb any existing public highway or railroad, the cost of bridging the waterway or otherwise substantially continuing the highway or railroad may be ascertained and paid as a part of the cost of the improvement if such cost is not otherwise provided for.

Bridging is part cost of the improvement.

SEC. 10. Whenever the said board shall desire to condemn and acquire land, or damage lands or property for any purpose authorized by this act, said board shall make an order therefor wherein it shall be provided that such land or damages shall be paid for wholly by special assessment upon the property within said waterway district, and the proceeding thereafter shall be as herein specified.

Order to condemn.

SEC. 11. The board shall file a petition, verified by its chairman and signed by the prosecuting attorney, in the superior court of the county, praying that the property described may be taken or damaged for the purpose specified and that compensation therefor be ascertained by a jury or by the court in case a jury be waived. Such petition shall allege the creation of the waterway district and contain a copy of the order directing the proceeding, a reasonably accurate description of the lots or parcels of land or other property which will be taken or damaged, and the names of the owners and occupants of said lands and of persons having any interest therein so far as known to the said board, or as appears from the records in the office of the county auditor.

Compensation ascertained by jury or court.

SEC. 12. Upon the filing of the petition aforesaid a summons returnable as summons in other civil actions,

Summons issued and served.

shall be issued and served upon the persons made parties defendant, together with a copy of the petition, as in other civil actions; and in case any of the defendants are unknown or reside out of the state, a summons for publication shall issue and publication be made and return and proof thereof be made in the same manner as is or shall be provided by the laws of the state for service upon non-resident or unknown defendants in other civil actions. Notice so given by publication shall be sufficient to authorize the court to hear and determine the suit as though all parties had been sued by their proper names and had been personally served.

Notice by
publication
sufficient au-
thority.

SEC. 13. In case the land or other property sought to be taken or damaged is state land, the summons and copy of petition shall be served upon the commissioner of public lands; if it is county land it shall be served upon the county auditor, and if school land, upon the county auditor and the chairman of the board of directors of the school district. Service upon other parties defendant, public or private, shall be made in the same manner as is or shall be provided by law for service of summons in other civil actions. If the state is made a defendant the attorney general shall represent it. If the county is a defendant the court shall appoint an attorney to represent it at all stages of the proceedings, and may allow him compensation for his services as costs of the proceeding.

Service on
commissioner
of public
lands.

Attorney gen-
eral to repre-
sent the
state.

SEC. 14. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition and shall adjudicate whether the proposed condemnation is for a public use, and if its judgment is that the proposed use is public, it shall empanel a jury to ascertain the just compensation to be paid for the lands or property taken or damaged, unless a jury be waived; but if any defendant or party in interest shall demand, and the court shall deem it proper, separate juries may be empanelled as to the separate compensation or damages to be paid to any one or more of such defendants or parties

Jury ascer-
tain compen-
sation.

in interest. Should the court determine that the proposed use is not public, it shall dismiss the proceeding.

SEC. 15. The jury or court shall also ascertain the just compensation to be paid to any person found to have an interest in any lot or parcel of land or property which may be taken or damaged for such improvement, whether or not such person's name or such lot or parcel of land or other property is mentioned or described in said petition: *Provided*, That such person shall first be admitted as a party defendant to such suit by such court and shall file a statement of his interest in, and a description of, the lot or parcel of land or other property in respect to which he claims compensation.

File
statement of
interest.

SEC. 16. The court may upon motion of the petitioners, or of any defendant, direct that the jury under the charge of an officer of the court and accompanied by such person or persons as may be appointed by the court to point out the property sought to be taken or damaged, shall view the lands or property taken or damaged for the proposed improvement.

Jury view
property.

SEC. 17. If there be any building standing in whole or in part upon any land to be taken, the jury or court shall add to the finding of the value of the land taken, the value or damage to such building as the case may require. If the entire building is taken, or if it is damaged so that it cannot be readjusted to premises of the owner, then the measure of damages shall include the fair market value of the building. If part of the building is taken, or it is damaged but can be readjusted or replaced on premises of the owner, then the measure of damages shall be the cost of readjusting or moving the building or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving:

Damage to
building.

SEC. 18. If the land and buildings belong to different parties, or if the title to the property be divided into different interests by lease or otherwise, the damage done to each of such parties or interests may be separately found by the jury or court on the written request of any party.

Damages as
interest
appears.

And in making such findings the jury or court shall first find and set forth the total amount of the damage to said lands and buildings and all premises therein, estimating the same as an entire estate and as if the same were the sole property of one owner in fee simple; and they shall then apportion the damages so found among the several parties entitled to the same in proportion to their several interests and claims. But no delay in ascertaining the amount of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property or any part thereof, or as to the extent of the interest of any defendant in the property to be taken or damaged, but in such case the jury or court shall ascertain the entire compensation or damage that should be paid for the property and the court may thereafter require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained, and may make such order as may be necessary in regard to the deposit or payment of such compensation and the division thereof.

Apportion
damages.

Adverse
claimants
interplead.

SEC. 19. Upon the filing of the findings of the jury or court, the proceedings of the court regarding new trial and the entry of judgment thereon, shall be the same as in other civil actions, and the judgment shall be such as the nature of the case may require. The final judgment of the court shall be that the lands and property taken and damaged shall, upon payment of the sums awarded, vest in the county as and for a public waterway. The court shall continue or adjourn the case from time to time as to all defendants named in such petition who shall not have been served with process or brought in by publication, and new summons may issue or new publication be made at any time, and upon such defendants being brought in the court may empanel a jury to ascertain the compensation so to be made to such defendants for property taken or damaged, or may proceed without a jury if none be demanded, and like proceedings shall be had for such purpose as are herein provided.

Procedure
same as civil
actions.

May proceed
without
jury.

SEC. 20. The court shall have power at any time, upon proof that any defendant who has not been served with process has ceased to be an owner since the filing of such petition, to substitute the new owner as a defendant, and after due service of the summons and petition upon him proceed as though he had been a party in the first instance; and the court may upon any finding of the jury, or at any time during the course of the proceedings, enter every such order, rule, judgment or decree as the nature of the case may require.

Substitute
defendant.

SEC. 21. When it shall appear from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, insane or distracted person is interested in any property that is to be taken or damaged, the court shall appoint a guardian *ad litem* for such infant or insane or distracted person to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane or distracted person in such property, or the compensation which shall be awarded therefor.

Guardian
ad litem.

SEC. 22. The compensation to be ascertained by the jury or court shall be irrespective of any benefit from the improvement proposed, and the finding shall state separately the value of land taken from any tract and the damage, if any, to remaining land by reason of the severance.

Findings
state damage.

SEC. 23. Any final judgment rendered by said court upon the findings of the court or a jury, shall be the lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: *Provided*, That in case any defendant recovers no award, no costs shall be taxed. Such judgment shall be final and conclusive as to the damages caused by such improvement, unless appealed from, and no appeal from the same shall delay proceedings under the order of said

Judgment
final.

Pay into
court.

board if it shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs; but such board after making such payment into court shall be liable to such owner or owners, or parties interested, for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court of the state by any party to the proceedings, the money so paid into the superior court by the board, as aforesaid, shall remain in the custody of said superior court until the final determination of the proceedings. If the owner of the land, real estate, premises, or other property, accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived conclusively an appeal to the supreme court and final judgment may be rendered in the superior court as in other cases.

In case of
appeal.

Order to
take possession of
property.

SEC. 24. The court upon proof that the judgment, together with costs, has been paid to the person entitled thereto, or has been paid into court, shall enter an order that the board shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so made or paid into court as aforesaid, and thereupon the title to any property so taken shall be vested in fee simple in the public as a water highway.

Assessment
for damages.

SEC. 25. Said board shall, upon the entry of the condemnation judgment, file in the same proceeding a supplementary petition, praying the court that an assessment be made upon the lands in the district for the purpose of raising an amount necessary to pay the compensation and damages awarded for the property taken or damaged, with costs of the proceedings, and for the estimated cost of the proposed improvement; and the court shall thereupon appoint three competent disinterested persons as

commissioners to make such assessment. Said commissioners shall include in such assessment the compensation and damages awarded for the property taken or damaged, with legal interest from the date of entry of the judgment, and with all costs and expenses of the proceedings incurred to the time of their appointment, or to the time when said proceedings was referred to them, together with the probable further costs and expenses of the proceeding, including therein the estimated cost of making and collecting such assessment. The petitioners for the improvement shall be entitled to have included in the costs of the proceeding, and repaid to them, such reasonable sums as they may have expended in preparing the maps and plans of the improvement and procuring the names of land owners for filing with the petition. Such expenditures to be approved and allowed by the court.

Interest
from date of
judgment.

Expenditures
approved by
court.

SEC. 26. Said commissioners, before entering upon their duties, shall take and subscribe an oath that they will faithfully perform the duties of the office to which they are appointed, and will to the best of their abilities make true and impartial assessments according to the law. Every commissioner shall receive compensation at the rate of five dollars per day for each day actually spent in making the assessment herein provided for, upon his filing in the proceeding a verified statement showing the number of days he has actually spent therein; and upon the approval of said statement by the judge of the court in which the proceeding is pending, the board shall issue a warrant in the amount so approved, upon the special fund created to pay the awards and costs of said proceeding; and the fees of such commissioners so paid, and all expenses returned by them and allowed by the court shall be included in the cost and expense of such proceeding.

Commis-
sioners' com-
pensation.

SEC. 27. It shall be the duty of such commissioners to examine the lands in the district and to apportion and assess the amount of the judgment, interest and costs as hereinbefore defined, of the condemnation proceeding, and of

the estimated cost of the proposed improvement, and of the price of any fill made with material dug or dredged from such waterway, upon the several lots, blocks, tracts and parcels of land in said district, in the proportion in which they will be severally benefited; which assessment shall be a proportionate charge upon each square foot of land contained in each separate lot, block, tract or parcel of land.

Assessment
apportioned.

SEC. 28. The commissioners shall make or cause to be made an assessment roll in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land or other property, and the amounts assessed thereon as special benefits thereto, specifying separately the benefits from the opening of the waterway, for construction, and for fill if any, and certify such assessment roll to the court before which said proceeding is pending, within sixty days after the date of the order referring said proceeding to them, or within such extension of said period as shall be allowed by the court. In determining the benefit to be assessed upon any lot or parcel of land for the opening of the waterway, the commissioners shall ascertain from the finding of the court or jury whether or not it is remaining land after the severance of land taken from an original lot or parcel for right-of-way of such proposed waterway, and the damage awarded to such remaining land, if any, allowed by reason of the severance; and for such opening shall assess as benefits to such remaining land only the excess of the benefit accruing thereto over the damage awarded by the finding.

Roll of
owners.

Certify
to court.

SEC. 29. Upon its completion the commissioners shall return their assessment roll into court, and thereupon the court shall make an order setting a time for the hearing thereon before the court, which day shall be at least thirty days after the entry of such order. The commissioners shall give notice of such assessment and of the day fixed by the court for the hearing thereon in the following manner:

Court
to order
hearing.

1. They shall at least twenty days prior to the date fixed for the hearing on said roll, mail to each owner of the prop-

erty assessed, whose name and address is known to them, a notice substantially in the following form:

“(Title of cause.) To : Pursuant to an order of the superior court of the State of Washington, in and for the county of there will be a hearing in the above entitled cause on at upon the assessment roll prepared by the commissioners heretofore appointed by said court to assess the property specially benefited by the (here describe nature of improvement); and you are hereby required if you desire to make any objection to said assessment roll, to file your objections to the same before the date herein fixed for the hearing upon said roll, a description of your property and the amount assessed against it for the aforesaid improvement is as follows: (Description of property and amount assessed against it.)

Notice
mailed.

.
.
.

Commissioners.”

2. They shall cause at least twenty days’ notice to be given of the hearing, when a daily newspaper is published in such county, by publishing the same in at least five successive issues of said paper; or if no daily newspaper is published in said county and a weekly newspaper is published therein, then in each issue of such weekly newspaper for two successive weeks. Such notice so required to be published may be substantially as follows:

Notice by
publication.

“(Title of cause.) Special Assessment Notice. Notice is hereby given to all persons interested, that an assessment roll has been filed in the above entitled cause providing for the assessment upon the property benefited of the cost of (here insert brief description of improvement) and that said roll has been set down for hearing on the day of at The boundaries of said assessment district are substantially as follows: (here insert an approximate description of the assessment district.) All persons desiring to object to said assess-

ment roll are required to file their objections before said date fixed for the hearing upon said roll, and appear on the day fixed for hearing before said court.

.....
.....
.....

Commissioners.”

Affidavits
filed.

SEC. 30. On or before the day fixed for the hearing, the affidavit of one or more of the commissioners shall be filed in said court showing the mailing of the notices above prescribed, and an affidavit of the publisher of the newspaper showing the publication of notice, with a copy of the published notice attached, which affidavit shall be received as *prima facie* proof of the giving of notice as herein required.

Court order
new notice.

SEC. 31. If twenty days shall not have elapsed between the first publication of such notice and the day set for hearing, the hearing shall be continued until such time as the court shall order. The court shall retain full jurisdiction of the matter until final judgment on the assessments, and if the notice given shall prove invalid or insufficient the court shall order new notice to be given.

Hearing
objections.

SEC. 32. Any person interested in any property assessed and desiring to object to the assessment thereon, shall file his objections to such report at any time before the day set for hearing said roll, and serve a copy thereof upon the prosecuting attorney. As to all property to the assessment upon which no objections are filed and served, as herein provided, default may be entered and the assessment confirmed by the court. On the hearing of objections the report of the commissioners shall be competent evidence to support the assessment, but either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law tried by the court without a jury; and if it shall appear that the property of the objector is assessed more or less than it will be benefited, or more or less than its proportionate share of the cost of the con-

demnation and improvement, the court shall so find, and it shall also find the amount in which said property ought to be assessed and correct the assessment accordingly. Judgment shall be entered confirming the assessment roll as originally filed or as corrected, as the case may require.

Findings
of court.

SEC. 33. The court before which any such proceeding may be pending shall have authority at any time before final judgment to modify, alter, change, annul or confirm any assessment roll returned as aforesaid, or cause any such assessment roll to be recast by the same commissioners whenever it shall be necessary for the obtainment of justice; or it may appoint other commissioners in the place of all or any of the commissioners first appointed for the purpose of making such assessment or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such condemnation and improvement according to the principals of this act, and may from time to time, as may be necessary, continue the proceeding for that purpose as to the whole or any part of the premises.

Roll may
be recast.

SEC. 34. The judgment of the court confirming the assessment roll shall have the effect of a separate judgment as to each tract or parcel of land or other property assessed, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. Such judgment shall be a proportionate lien upon each square foot of the property assessed from the date of entry until payment shall be made.

Appeal
shall not
invalidate.

SEC. 35. The clerk of the court in which such judgment is rendered shall certify a copy of the assessment roll as confirmed, and of the judgment confirming the same, to the treasurer of the county, or if there has been an appeal taken from any part of such judgment, then he shall certify such part of the roll and judgment as is not included in such appeal, and the remainder when final judgment is entered: *Provided*, That if upon such appeal the judg-

Assessments,
interest on.

ment of the superior court shall be affirmed, the assessments on such property as to which appeal has been taken shall bear interest at the same rate and from the same date which other assessments not paid within the time hereafter provided shall bear. Such copy of the assessment roll shall be sufficient warrant to the county treasurer to collect the assessments therein specified in the manner hereinafter provided.

Treasurer
to publish
notice.

SEC. 36. The treasurer receiving such certified copy of the assessment roll and judgment shall immediately give notice thereof by publishing such notice at least once in the official newspaper or newspapers of such county, if such newspaper or newspapers there be; and if there be no such official newspaper, then by publishing such notice in some newspaper of general circulation in the county. Such notice may be in substantially the following form:

“SPECIAL ASSESSMENT NOTICE.

Form of
notice.

Public notice is hereby given that the superior court of.....county, State of Washington, has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the assessment roll on file in my office, and that the undersigned is authorized to collect such assessments. All persons interested are hereby notified that they can pay the amounts assessed, or any part thereof, without interest, at my office (here insert location of office) within sixty days from the date hereof.

Dated this.....day of..... A. D. 191...

.....
Treasurer of.....county,
Washington.”

SEC. 37. The owner of any land charged with an assessment under this act, may discharge the same from all liability for the cost of such condemnation and improvement by paying the entire assessment charged against his

land, without interest, within the time fixed by the notice of the county treasurer for the payment thereof; or within said time he may pay a part of such assessment and allow the remainder to continue as an assessment upon his land to be collected and paid as hereinafter provided; or within said time he may pay the entire assessment per square foot upon any part of his land, providing that he shall when paying such partial assessment give to the treasurer a description of the tract paid for.

Providing
for payment.

SEC. 38. When any assessment shall be paid either in full or in part only, within the time for payment without interest fixed by his notice, the treasurer shall note the fact of such payment opposite the assessment.

Treasurer
note pay-
ment.

SEC. 39. Immediately after the expiration of the time fixed by his notice for payment of assessments without interest, the treasurer shall divide the several assessments which remain unpaid in whole or in part into ten equal amounts or installments, as near as may be, without fractional cents, and enter said installments upon the roll opposite the several assessments, numbering the same from one (1) to ten (10) successively. And thereafter said treasurer shall annually for ten years, before the time fixed by law for the collection of state and county taxes, add one of the said assessment installments with interest for one year from the expiration of the time for payment without interest, or of the anniversary thereof, at the rate of seven per cent. per annum on the entire unpaid assessment, to the tax levied upon the property assessed, where said tax appears upon the county tax roll, and collect said installment and interest, without reduction of percentage for prepayment, at the same time and in the same manner as state and county taxes are collected. And after delinquency said installments and interest shall be subject to the same charges for increased interest and penalties as are other delinquent taxes. But no tax sale of lands assessed under this act shall discharge the same from the lien of any unpaid installments of the assessment against it until all installments and interest are fully paid.

Unpaid
amounts
ten pay-
ments.

Collected
as other
taxes are.

Assessment
payments
noted.

SEC. 40. As each assessment installment is paid the treasurer shall note the payment thereof in the proper place upon the assessment roll.

May dis-
charge
payments.

SEC. 41. The owner of any lands assessed under this act may at any time after the time fixed by the treasurer's notice for payment without interest, discharge his lands from the unpaid assessment by paying the principal of all installments unpaid with interest thereon at the rate of seven per cent. per annum to the next anniversary of the time fixed as aforesaid; or he may pay one or more installments, with like interest, beginning with installment No. 10 and continuing in the inverse numerical order of installments. The successor in title to any part of his lands may have the proportionate assessment segregated on the roll and charged to such part upon his producing to the treasurer his recorded deed to such part.

7 per cent.
interest.

SEC. 42. The last installment of any assessment paid shall include interest thereon at the rate of seven per cent. per annum to the actual date of payment.

Provision
for public
use.

SEC. 43. Should any of the lands assessed under this act be taken for or dedicated to public use, for highway or any other public purpose, before the taking or dedication shall be complete or take effect there shall be paid to the county treasurer a sum equal to the principal of the unpaid assessment upon said land at its proportionate rate per square foot, with interest thereon for one year at seven per cent.; and the treasurer shall credit the principal sum paid to the unpaid installments upon the tract as originally assessed.

Treasurer
make
report.

SEC. 44. Immediately after expiration of the time fixed by the treasurer for the payment of assessments levied under this act, he shall report to the board in writing the sum collected by him and in his hands to the credit of the assessment roll; and thereafter and on or before the first days of January and July in each year he shall make written reports to said board of the sums collected by him upon said roll, stating in detail the amount of principal, interest and penalty so collected, the amount of principal remain-

ing uncollected, and also, in detail, the principal and interest paid out by him under authority of the board, and the balance in his hands to the credit of the roll.

SEC. 45. Should the owners of any lands assessed to pay for an improvement contemplated by this act, fail to pay the assessments thereon in full on or before the day fixed by the treasurer's notice as the time for payment without interest, the board shall provide and issue bonds of the district to the total amount of the unpaid assessments, which bonds may either be issued to persons contracting to perform the work of making the improvement, or exchange with them for warrants; or be issued in exchange for work or materials; or they may be sold outright as hereinafter provided.

Bonds may
be issued.

SEC. 46. Such bonds shall be issued pursuant to an order made by the board and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of their issue, which latter date shall also be fixed by such order. They shall bear interest at the rate of seven per cent. per annum, which interest shall be payable semi-annually at periods named; shall have attached thereto interest coupons for each interest payment; shall be of such denomination as shall be provided in the order directing the issue, but not less than one hundred dollars nor more than one thousand dollars; shall be numbered from one upward consecutively and each bond shall be signed by the president of the board and attested by its clerk: *Provided, however,* That said coupons may, in lieu of being so signed, have printed thereon *fac simile* signatures of said officers. Each bond shall in the body thereof refer to the improvement to pay for which the same is issued; shall provide that the principal sum therein named and the interest thereon shall be payable out of the fund created for the payment of the cost and expense of said improvement, and not otherwise; and shall not be issued in an amount which, together with the assessments already paid, will exceed the cost and expense of the said condemnation and improvement.

Bonds bear
7 per cent.
interest.

Par value maintained.

SEC. 47. Said bonds, whether sold or exchanged, shall be disposed of for not less than their par value and accrued interest.

Advertise for bids.

SEC. 48. Before making any sale of such bonds the board shall advertise the sale and invite sealed bids therefor, by publication in the county official newspaper at least once, and in such other manner as it sees fit, for a period of thirty days. At the time and place fixed for receiving bids the board shall open all bids presented and may either award the bonds to the highest bidder or reject all bids. Delivery of the bonds and payment therefor may be as required by the board. The purchaser of any such bonds shall pay the money due therefor to the county treasurer, who shall place it in the district fund.

Pay to treasurer.

SEC. 49. The treasurer shall pay the interest on the bonds authorized to be issued by this act, on presentation of matured coupons therefor, out of the funds of the district in his hands. Whenever there shall be sufficient money in any such fund (not less than one thousand dollars) over and above sufficient for the payment of matured interest on all outstanding bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds in their numerical order: *Provided*, That the said call for bonds shall be made by publication in the official newspaper of the county if there be one, or otherwise in some newspaper of general circulation in the county, within five days after the semi-annual interest period, and shall state that bonds numbered (giving the serial numbers of the bonds called) will be paid on presentation; and that after a date named, not more than fifteen days thereafter, interest on the bonds called shall cease.

Treasurer call bonds for payment.

Claim limited.

SEC. 50. Neither the holder nor owner of any bond issued under authority of this act shall have any claim therefor against any person, body or corporation, except from the special assessment made for the improvement for which such bond was issued; but his remedy in case of non-payment shall be confined to the enforcement of such assess-

ment. A copy of this section shall be plainly written, printed or engraved on each bond so issued.

SEC. 51. In all cases of assessments for improvements under this act, wherein such assessment shall have failed to be valid in whole or in part for want of form or insufficiency, informality or irregularity, or non-conformance with the provisions of this act, the board is hereby authorized to cause such assessments to be re-assessed and to enforce their collection in accordance herewith.

May be re-assessed.

SEC. 52. After the confirmation of the assessment roll of any improvement district provided for herein, the board shall proceed at once with the construction of the improvement, and in carrying on said construction it shall have full charge and management thereof and the power to employ such assistants as it may deem necessary, and purchase all material required in such construction; and it shall have power to let the whole or any part of the work of said improvement to the lowest and best bidder therefor, after public advertisement and call for bids; and in case of such letting of a contract it shall have the power also to enter into all necessary agreements with the contractor in the premises: *Provided*, That in the case of the letting of a contract the board shall require the contractor to give a bond in the amount of the contract price, with sureties to be approved by the board and running to the board as obligee therein, conditioned for the faithful and accurate performance of his contract by said contractor, and that he will pay, or cause to be paid, all just claims of all persons performing labor upon or rendering services in doing said work, or furnishing materials, merchandise or provisions used by said contractor in the construction of said improvement. Said bond shall be filed and recorded in the office of the auditor of the county and every sub-contractor on any such work shall file and record a like bond in the full amount of his sub-contract. Unless otherwise paid their claims for labor or services, materials, merchandise or provisions, the claimants may have recourse by suit upon such bond in their own names: *Provided*, That no

Proceed with construction.

Contractor give bond.

Bond filed with auditor.

Claims filed
within
30 days.

Deposit 5
per cent. of
amount bid.

Payment
in install-
ments.

Board
accepts im-
provement.

Form of
warrants.

such claim or suit shall be maintained unless the persons making said claim shall within thirty days after the completion of said improvement, file their claims, duly verified, to the effect that the amounts thereof are just and due and are unpaid, with the clerk of the board. Each bidder for a contract to be let under this section shall deliver with his bid a check for five per cent. of the amount of the bid, drawn upon a bank in this state and certified by the bank, as surety to the board that the bidder will enter into the contract with the board. The checks of unsuccessful bidders will be returned to them when an award of the contract has been made by the board.

SEC. 53. During the construction of the improvement said board shall have the right to allow payment therefor to contractors in installments as the work progresses, in proportion to the amount of work completed: *Provided*, That no such allowance or payment shall be made for exceeding seventy-five per cent. of the proportionate amount of the work completed; and twenty-five per cent. of the contract price shall be reserved at all times by said board until such work is fully completed, and shall not be paid until thirty days have expired after such completion. Upon completion of the work and the production of satisfactory evidence to the board that all just claims for labor, materials, goods, wares, merchandise and provisions furnished to the contractor have been paid, the board shall accept the improvement and pay the contract price therefor.

SEC. 54. The indebtedness of any such district on contracts, or upon employment or for supplies, shall be paid by warrants on the district fund only, to be issued by the board upon allowed written claims. Such warrants shall be in form the same as county warrants, or as nearly the same as may be practicable; shall draw the legal rate of interest from the date of their presentation to the county treasurer for payment, and shall be signed by the chairman and attested by the clerk: *Provided*, That no warrants shall be issued in payment of any indebtedness of such district for less than the face or par value.

SEC. 55. All warrants issued under the previous section of this act may be presented by the holders thereof to the county treasurer, who shall pay them or endorse thereon the date of presentation for payment and if the same are not paid, and the reason for their non-payment; and no warrant shall draw interest until it is so presented and endorsed by the county treasurer. It shall be the duty of the treasurer from time to time, when he has sufficient funds in his hands for the purpose, to give notice to warrant holders to present their warrants for payment; such notice to be given by advertisement in the county newspaper. And thirty days after the first publication of said notice the warrants called shall cease to bear interest. Said notice shall be published once each week for two weeks consecutively, and such warrants shall be called and paid in the order of their endorsement.

Warrants
presented.

Interest
ceases.

SEC. 56. State, school, county, school district, and other lands belonging to other public corporations which will be benefited by the construction, deepening or widening of any such waterway, and which are not devoted to public use, shall be subject to the provisions of this act, and the owners thereof by and through the proper authorities, shall be made parties in all proceedings affecting said lands, and shall have the same rights and be liable to the same right of eminent domain as the lands of private persons or corporations.

Corporations
same rights
and same
liabilities.

SEC. 57. Lands belonging to the state, and school, county, school district and other lands belonging to public corporations and which are not devoted to public use, which are benefited by any improvement instituted under the provisions of this act, shall be assessed in the same manner as lands of private persons and corporations, and the assessment shall be paid by the proper authorities.

Assessed
in same
manner.

SEC. 58. Every defendant feeling aggrieved by any condemnation judgment for compensation or damages, or by any judgment confirming an assessment upon land for benefits under this act, may appeal to the supreme court of the state from such judgments within thirty days after

Right of
appeal.

the entry thereof. An appeal from a condemnation judgment may bring before the supreme court either the legality of the proceeding as a taking for a public use, or the justness of the amount of compensation or damages awarded to the appellant; but an appeal from a judgment confirming an assessment of benefits shall bring before the supreme court only the justness of the assessment against the property of the appellant. Two or more defendants may join in an appeal. The bill of exceptions or statement of facts upon such appeals shall contain only such portions of the evidence in the case as relates to the property of the appellants. Otherwise than as provided in this section such appeals shall be taken as provided by law in appeals to the supreme court from final judgments in actions at law.

Joint appeal.

SEC. 59. Any defendant in a condemnation proceeding under this act, whose remaining land, or whose other lands in the district, shall be assessed for benefits arising from the improvement, may pay his assessments in full, if they be less than his condemnation judgment, at or before the time fixed by the treasurer for the payment of assessments without interest, by satisfying his judgment upon the judgment docket and producing to the treasurer the certificate of the county clerk that the judgment has been satisfied. And if his assessments be greater than his condemnation judgments he may, within the same time, pay his assessment to the extent of his judgment by the like satisfaction and the like production of the clerk's certificate to the treasurer. In each case the treasurer shall note the payment and the manner thereof on the assessment roll and report the same to the board.

Provision
for payment.

Treasurer
note pay-
ment.

SEC. 60. At any time before the completion of excavations required for the construction, deepening or widening of a waterway under this act, when there will be surplus material dug or dredged from such waterway, any owner of land within the district, for the filling of whose land no provision has theretofore been made, may have such surplus material delivered upon his land for filling purposes

Providing
for filling
property.

upon paying the cost of such delivery in a sum to be fixed by the board. The sum so fixed shall be paid to the treasurer at such time and in such manner as the board may prescribe, and shall be credited to the district fund.

SEC. 61. Should there be any money remaining in the district fund after the payment in full of all of the obligations of the district, it shall be transferred to and become a part of the road fund of the county. Road fund.

SEC. 62. Should any sum of money paid into court as compensation or damages for land or property taken or damaged in any condemnation proceeding under this act be uncalled for for the period of two years, the county clerk shall satisfy the judgment therefor and pay the money in his hands to the treasurer for the road fund of the county. But upon application to the board of county commissioners within four years after such payment, the party entitled thereto shall be paid such money by the county without interest: *Provided*, That if any such party, being a natural person, was under legal disabilities when such money was paid to the treasurer, the time within which he or his legal representatives shall make application for the payment thereof shall not expire until one year after his death or the removal of his disabilities. Uncalled sums to road fund.

SEC. 63. Every waterway constructed, deepened or widened under this act shall, from and after the completion thereof, be a public highway for vessels and an outlet for swamp or overflow water which may be drained into it from any lands in the district or tributary thereto, and shall be under the care and control of the board of county commissioners of the county as are other highways: *Provided*, That whenever any such waterway shall thereafter be included within the limits of any city or town, the care and control thereof shall pass to the corporate authorities of such city or town. Corporate authority control.

SEC. 64. This act shall not be held to be an exclusive method of constructing, deepening or widening such waterways, nor in conflict with any other method which may be provided by law. Shall not conflict.

FEES. SEC. 65. The fees for the service of all process necessary to be served under the provisions of this act shall be the same as those for like services in other civil cases.

INJUNCTION. SEC. 66. The superior court may compel the performance of duties imposed by this act, and may on proper application therefor issue its mandatory injunction for such purpose.

EMERGENCY. SEC. 67. An emergency exists and this act shall be in force immediately after its passage and approval.

Passed the House February 3, 1911.

Passed the Senate February 20, 1911.

Approved by the Governor February 23, 1911.

CHAPTER 24.

[H. B. 320.]

RELATING TO ASSESSMENT AND TAXATION.

AN ACT relating to assessment and taxation, declaring certain property to be personal property, fixing its situs for taxation, providing for interest on unpaid personal property taxes, providing methods of distraint, making taxes a lien upon the proceeds of insurance, making a violation of the act a misdemeanor and declaring an emergency.

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

SECTION 1. For the purposes of taxation the following described property shall be deemed personal property and shall be assessed and taxed in the county where situated, viz.:

Standing timber held or owned separately from the ownership of the land upon which it may stand.

Fishtrap, pound net, reef net, set net and drag seine fishing locations.

SEC. 2. On the first Monday in February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid on or before the 15th

Certain
property,
personal.

[See §§ 9093-
9095, Rem.-
Bal.]

Personal
property
notices.

day of March of such year, he shall notify the sheriff of such county, who shall distrain sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate of fifteen (15) per cent. per annum from the 15th day of March of such year, together with all accruing costs, and shall immediately proceed to advertise the same by posting written notices in three public places in the county in which such property has been levied upon, one of which places shall be at the county courthouse, such notices to state the time when and place where such property will be sold. If the taxes for which such property is distrained and the interest and costs accruing thereon are not paid before the date appointed for such sale, which shall not be less than ten (10) days after the taking of such property, such sheriff shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes with interest and costs, and shall pay to the treasurer the money so collected at such sale, and if there be any overplus or money arising from the sale of any personal property, the treasurer shall immediately pay such overplus to the owner of the property so sold; or to his legal representative: *Provided*, That whenever it shall become necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, it shall be deemed to have been distrained and taken into possession when the said sheriff shall have, at least thirty (30) days before the date fixed for the sale thereof, filed with auditor of the county wherein such property is located, a notice in writing citing that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of tax due with interest, and the time and place of sale. A copy of said notice shall also be sent to the owner or reputed owner at his last known address by registered letter at least thirty (30) days prior to the date of sale: *And provided further*, That if any personal

[Amending
§ 9223-9227,
Rem.-Bal.]

Advertise.

Treasurer
collect.

Sheriff take
possession.

Copy to
owner.

property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, the county treasurer may demand such taxes without the notice provided for in this section, and if necessary may distrain sufficient goods and chattels to pay the same as provided in this act.

May demand taxes.

SEC. 3. In the event of the destruction of personal property by fire after the 15th day of March of any year, the lien of the personal property tax shall attach to and follow any insurance that may be upon said property and the insurer shall pay to the county treasurer from the said insurance money all taxes, interest and costs that may be due.

Taxes follow insurance.

[See also § 9245, Rem.-Bal., and § 9225, Rem.-Bal.]

SEC. 4. After personal property has been assessed, it shall be unlawful for any person to remove the same from the state until taxes and interest are paid, or until notice has been given to the county treasurer describing the property to be removed and in case of public sales of personal property, a list of the property desired to be sold shall be sent to the treasurer, and no property shall be sold at such sale until the tax has been paid, the tax to be computed upon the consolidated tax levy for the previous year. Any person violating the provisions of this act shall be guilty of a misdemeanor.

[See §§ 9236, 9246 and 9249, Rem.-Bal.]

List sent treasurer.

SEC. 5. An emergency exists and this act shall take effect immediately.

Emergency.

Passed the House February 16, 1911.

Passed the Senate February 23, 1911.

Approved by the Governor February 25, 1911.

CHAPTER 25.

[H. B. 113.]

RELATING TO LIVE STOCK RUNNING AT LARGE.

AN ACT authorizing boards of county commissioners to create districts in which livestock shall not run at large, repealing chapter 230 of the Session Laws of 1907, providing a penalty for the violation thereof, and declaring an emergency.

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

SECTION 1. That the board of county commissioners of any county of this state shall have the power to designate by an order made and published, as provided in section three of this act, certain territory within such county in which it shall be unlawful to permit livestock of any kind to run at large: *Provided*, That no territory so designated shall be less than two square miles in area: *And provided further*, That this act shall not effect counties having adopted township organization.

[Amending
 §§ 3166-3172,
 Rem.-Bal.]

Livestock
 area.

SEC. 2. Whenever ten residents within a proposed district shall file with the county auditor a petition, asking, within the territory therein named, no livestock of any kind shall be permitted to run at large, the county commissioners shall, at their next meeting, make an order fixing a time and place when a hearing will be had upon such petition, which time shall not be less than twenty days nor more than ninety days from the filing of such petition; and shall cause notice of the time to be given by publishing such notice in some newspaper having a general circulation within such territory for three successive weeks before the day fixed in such order; if there be no newspaper having a general circulation in such territory, then by posting such notice in three public places in such territory at least twenty days before the day of hearing, and such notice shall set forth the petition. It shall be the duty of the board of county commissioners at the time fixed for such hearing, or at the time to which such hearing may be adjourned, to hear all persons interested in

Petition
 filed.

Publish
 notice.

Public
 hearing.

the question presented by such petition, and to determine whether such district shall be created.

Com-
missioners make
order.

SEC. 3. If the board of county commissioners shall determine to prohibit the running at large of livestock within the territory described in such petition or in any portion thereof, it shall make an order defining the boundaries of such territory, which shall be entered upon the records and published in a newspaper having general circulation in such territory for four successive weeks, or by posting in three public places in such territory for four weeks.

Misdemeanor.

SEC. 4. Any person, or any agent, employee or representative of a corporation, violating any of the provisions of such order after the same shall have been published or posted as provided in section three of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than two dollars, nor more than ten dollars, for each offense, and it shall be the duty of the prosecuting attorney of such county, on complaint of any resident or freeholder of said territory, to forthwith enforce the provisions of this section.

Swine not
permitted
at large.

SEC. 5. The owner of swine shall not allow them to run at large at any time or within any territory, and any violation of this section shall render such owner liable to the penalties provided for in section four of this act: *Provided*, That swine may be driven upon the highways while in charge of sufficient attendants.

Repealing
§§ 3166-3172,
Rem.-Bal.

SEC. 6. Chapter two hundred and thirty of the Session Laws of 1907, relative to livestock running at large, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Emergency.

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

Passed the House January 31, 1911.

Passed the Senate February 9, 1911.

Approved by the Governor February 25, 1911.

CHAPTER 26.

[S. B. 85.]

DEFINING FORCIBLE ENTRY AND DETAINER.

AN ACT amending section 2 of an act entitled "An act amending sections 3, 5, 11 and 12 of an act entitled 'An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings,' approved March 7, 1891," approved March 6, 1905, and declaring an emergency.

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

SECTION 1. That section 2 of an act entitled "An act amending sections 3, 5, 11 and 12 of an act entitled 'An act defining forcible entry, forcible detainer and unlawful detainer of real property, and providing remedies therefor by summary proceedings,' approved March 7, 1891," approved March 6, 1905, be amended to read as follows: Section 2. Any notice provided for in this act shall be served either (1) by delivering a copy personally to the person entitled thereto; or (2) if he be absent from the premises unlawfully held, by leaving there a copy, with some person of suitable age and discretion, and sending a copy through the mail addressed to the person entitled thereto at his place of residence; or (3) if the person to be notified be a tenant, or an unlawful holder of premises, and his place of residence is not known, or if a person of suitable age and discretion there cannot be found then by affixing a copy of the notice in a conspicuous place on the premises unlawfully held, and also delivering a copy to a person there residing, if such a person can be found, and also sending a copy through the mail addressed to the tenant, or unlawful occupant, at the place where the premises unlawfully held are situated. Service upon a sub-tenant may be made in the same manner: *Provided*, That in cases where the tenant or unlawful occupant, shall be conducting a hotel, inn, lodging house, boarding house, or shall be renting rooms while still retaining control of the premises as a whole, that the guests, lodgers, boarders or persons rent-

[Amending
§ 814,
Item.-Bal.]

Unlawful
detainer.

Manner of
service.

Copy mailed.

ing such rooms shall not be considered as sub-tenants within the meaning of this act, but all such persons may be served by affixing a copy of the notice to be served in two conspicuous places upon the premises unlawfully held; and such persons shall not be necessary parties defendant in an action to recover possession of said premises. Service of any notice provided for in this act may be had upon a corporation by delivering a copy thereof to any officer, agent or person having charge of the business of such corporation, at the premises unlawfully held, and in case no such officer, agent or person can be found upon such premises, then service may be had by affixing a copy of such notice in a conspicuous place upon said premises and by sending a copy through the mail addressed to such corporation at the place where said premises are situated. Proof of any service under this section may be made by the affidavit of the person making the same in like manner and with like effect as the proof of service of summons in civil actions. When a copy of notice is sent through the mail, as provided in this section, service shall be deemed complete when such copy is deposited in the United States mail in the county in which the property is situated properly addressed with postage prepaid: *Provided, however,* That when service is made by mail one additional day shall be allowed before the commencement of an action based upon such notice.

Service on corporations.

Affidavit of service.

Additional day.

Emergency.

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

Passed the Senate January 26, 1911.

Passed the House February 23, 1911.

Approved by the Governor February 28, 1911.

CHAPTER 27.

[H. B. 267.]

GRANTING RIGHTS-OF-WAY THROUGH CERTAIN STATE LANDS.

AN ACT granting rights-of-way through lands in the State of Washington held for State Training School purposes and declaring an emergency.

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

SECTION 1. That authority is hereby conferred upon the governor of the State of Washington to convey a right-of-way sixty feet in width to the Chehalis & Cowlitz Railroad Company, a corporation, its successors and assigns, for railway purposes, and also a right-of-way forty feet in width to Lewis county for county road purposes, across the tract of land belonging to the State of Washington in Lewis county in this state, near Chehalis, used and occupied for the purposes of the State Training School. Said railroad right-of-way to be thirty feet on each side of the center line of the railroad as now located and established over and across said lands, and the county road to be located on the west side of said railroad right-of-way and adjoining thereto, and to connect with the county road on each side of said tract.

Right-of-way granted.

SEC. 2. Before such conveyances shall be made by the governor, said corporation shall grade and drain a roadway upon and along the right-of-way for the county road mentioned in section 1 of this act, and complete such work to the approval and satisfaction of the board of county commissioners of Lewis county, and said corporation shall also construct, at its own expense, a spur track not exceeding eleven hundred feet in length to a point near the west end of the present shop row of the State Training School: *Provided*, That said conveyances shall not be delivered until a plat of the right-of-way of the railroad, the county road and the spur shall be filed by said corporation with the state board of control, showing the definite location of said

Commissioners approve work.

rights-of-way, and the same approved by said state board of control; and upon the board of control certifying to the governor that the provisions of this section have been complied with, the governor shall execute deeds for said rights-of-way as provided in section 1 of this act, conveying an easement for right-of-way purposes for such length of time as the same shall be used for such purposes.

Emergency.

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

Passed the House February 9, 1911.

Passed the Senate February 25, 1911.

Approved by the Governor March 1, 1911.

CHAPTER 28.

[H. B. 123.]

CREATING AND ORGANIZING PEND OREILLE COUNTY.

AN ACT relating to the creation and organization of the county of Pend Oreille, subject to the requirements of the state constitution and the statutes in respect to the establishment of new counties.

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

SECTION 1. All that portion of Stevens county bounded and described as follows, to-wit:

Boundaries.

Beginning at the southeast corner of section 36 in township 30 north, range 42 east of the Willamette meridian, which is a point on the boundary line between Stevens and Spokane counties; thence running north, along the east line of said township 30 north, range 42 east of the Willamette meridian, to the northeast corner of section 1, in said township 30; thence west to the southwest corner of section 34 in township 31, north, range 42 east of Willamette meridian; thence north, along the west line of sections 34, 27 and 22 of said township 31, north, range 42 E. W. M.; thence north on a line from said northwest corner of section 22 in said township 31 to a point on the north line of said

township 31, midway between the northeast corner and the northwest corner of said township 31, which line will be the west line of sections 15, 10 and 3 of said township 31, when the same are surveyed; thence to the center point on the south line of township 32, north range 42, east of Willamette meridian; thence north on the north and south center line of said township 32, which line will be the west line of sections 34, 27, 22, 15, 10 and 3 of said township 32 when the same shall be surveyed, to the north line of said township 32; thence to the center point on the south line of township 33, north, range 42 east of Willamette meridian; thence north, on the north and south center line of township 33, north of range 42, east of Willamette meridian, which line will be the west line of sections 34, 27, 22, 15, 10 and 3 of said township 33, when the same shall be surveyed, to the north line of said township 33; thence to the center point on the south line of township 34 north range 42 east of Willamette meridian; thence north on the north and south center line of said township 34, which line will be the west line of sections 34, 27, 22, 15, 10 and 3 of said township 34 when the same shall be surveyed, to the north line of said township; thence to the center point on the south line of township 35 north, range 42 east of Willamette meridian; thence north, on the north and south center line of township 35 north, range 42 east Willamette meridian, which line will be the west line of sections 34, 27, 22, 15, 10 and 3 of said township 35 when the same shall be surveyed to the north line of said township 35; thence to the southwest corner of section 34 in township 36 north, range 42 east of Willamette meridian; thence north, along the west line of sections 34, 27, 22, 15, 10 and 3 to the northwest corner of section 3 of said township 36; thence west along the south line of township 37 north, range 42, and township 37 north, range 41, east of the Willamette meridian, to the center point on the south line of said township 37 north, range 41 east of the Willamette meridian, which point will be the southwest corner of section 34 in said township 37 north, range 41 east of the

Boundary
lines.

Boundary
lines
Pend Oreille
county.

Willamette meridian, when the same shall be surveyed; thence north along the north and south center line of said township 37 north, range 41 east of the Willamette meridian, which line will be the west line of sections 34, 27, 22, 15, 10 and 3 of said township when the same shall be surveyed, to the north line of said township 37; thence east, along the south line of township 38 north, range 41 east of the Willamette meridian, to the southeast corner of said township 38 north, range 41 east of the Willamette meridian; thence to the southwest corner of section 31 in township 38 north, range 42 east of Willamette meridian; thence north, along the west line of said township 38, to the northwest corner of said township 38; thence east along the north line of said township 38, to the center point on the south line of township 39, north range 42 east of Willamette meridian, which point will be the southwest corner of section 34 of said township 39 when the same shall be surveyed; thence north along the north and south center line of said township 39, which line will be the west line of sections 34, 27, 22, 15, 10 and 3 of said township 39, when the same shall be surveyed, to the north line of said township 39; thence east along the south line of township 40, north, range 42, east of Willamette meridian to the southeast corner of said township 40; thence north, along the east line of said township 40, to the international boundary line; thence east along said international boundary line, to the intersection of the state line between the states of Washington and Idaho with said international boundary line; thence south along said state line, to the southeast corner of section 31, township 30 north, range 46 east of Willamette meridian, being a point on the boundary line between the counties of Stevens and Spokane in said State of Washington; thence west along said boundary line between said counties of Stevens and Spokane, to said southeast corner of section 36, township 30 north, range 42 east of Willamette meridian, the place of beginning, is hereby detached from Stevens county and created into a new county, to be known and designated as Pend Oreille county,

by which name it shall have corporate succession and possess corporate powers, and be subject to the corporate liabilities conferred by law upon counties of the State of Washington.

SEC. 2. Pend Oreille county shall be liable for and shall pay to Stevens county its proportion of the indebtedness of Stevens county, existing at the time of the adoption of this act, and be entitled to its proportion of or allowance for its proportion of the value of the property owned by Stevens county at that time. Upon the organization of Pend Oreille county and the appointment and induction into office of its auditor, such auditor shall give notice to the auditor of Stevens county that at some certain date not less than ten (10) days after the giving of such notice, he will meet with the auditor of Stevens county at the county seat of Stevens county, to settle the accounts between the two counties. In the accounting between the auditors, Pend Oreille county shall be held liable for a proportion of the indebtedness of Stevens county, based upon the proportion which the assessed valuation of the property lying within Pend Oreille county bears to the assessed valuation of the property lying within the whole of Stevens county prior to the creation of Pend Oreille county, as determined by the assessment rolls for the year 1910: *Provided, however,* That neither county shall be charged with any part of any debt or liability incurred in the purchase of any county property or in the purchase or construction of any county buildings or in the construction of roads or bridges which shall be and remain after the division is made, within the limits of the other county.

In the event of disagreement between the auditors of the two counties, or in the event of the failure or refusal of either of the auditors to act, an action may be brought by either county in the superior court of the State of Washington for Spokane county to determine the account; such action to be governed by the rules of law affecting other civil actions.

Liabie for
proportion
ato indet-
edness.

Proportion
by assessed
valuation.

Action may
be brought.

Stevens
county
pay taxes
collected.

SEC. 3. The taxes levied before the creation of Pend Oreille county shall be collected by the officers of Stevens county, but Pend Oreille county shall be entitled to receive and Stevens county will pay to Pend Oreille county, the amount of real property taxes theretofore imposed and not collected upon the real property falling within the boundaries of Pend Oreille county. Stevens county shall have and retain all the personal property taxes on the tax rolls, without regard to which county such property may be in after division, as compensation for the cost of collection of all the taxes.

County seat.

SEC. 4. The location of the county seat of Pend Oreille county shall be determined by the electors of such county at the general election of 1912. Any city or town within Pend Oreille may become a contestant for the county seat of such county, that shall have filed or caused to be filed with the county auditor of such county, not less than thirty (30) days prior to the time when he is required by law to have prepared the ballots for the general election, a petition, signed by not less than one hundred (100) electors of said county, praying that the name of such town or city be placed upon the ballot and voted for as the location for the county seat, at such election. The county auditor, in preparing the ballots, shall place thereon, under some appropriate head, in alphabetical order, the names of the cities or town[s] that shall have filed such petitions, with a square opposite each name, in which the electors shall indicate by a cross made therein, their choice for the county seat, and the city or town receiving a majority of the votes cast at such election, shall be and remain the county seat of Pend Oreille county, until removed, as provided by law. Until the location of the county seat is determined, as herein provided, the seat of county government shall be at Newport, from which place the business of the county shall be carried on until the location of the county seat.

Voting.

19th class.

SEC. 5. Until otherwise classified said county of Pend Oreille is hereby designated as belonging to the nineteenth class.

SEC. 6. The governor shall immediately upon the taking effect of this act, appoint three residents of the proposed county of Pend Oreille, who shall be and constitute the first board of county commissioners of the said county of Pend Oreille and they shall hold office until the second Monday in January, 1913, and until their successors are elected and qualified, and shall meet at the county seat of said Pend Oreille county within ten days after this act shall take effect, and shall qualify as such county commissioners by filing their oath of office with the judge of the superior court, who shall approve their bonds in the manner provided by law.

Governor
appoint com-
missioners.

SEC. 7. Such commissioners shall divide their county into precincts, townships, and districts, as provided 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 county.

Commis-
sioners'
duties.

SEC. 8. In all townships, precincts, school and road districts which retain their own boundaries the present officers thereof shall retain their respective offices in and for such new county until their respective term of office shall expire, or until their successors are elected and qualified, and shall give bonds to Pend Oreille county in the same amount and in the same manner as had previously been given to the original county.

Present
officers
retained.

SEC. 9. 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 so 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 in January, 1913, or until their successors are elected and qualified.

Appoint
county
officers.

SEC. 10. Until otherwise provided by law, said county shall be and is hereby attached to the district composed of Stevens county for judicial purposes.

Judicial
disposition.

Commis-
sioners dis-
tricts.

SEC. 11. The board of county commissioners at a regular meeting held within one year from the time they shall qualify as commissioners of the county of Pend Oreille, by an order duly entered in the minutes of their proceedings, shall divide Pend Oreille county into three commissioners 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 for each of said districts; the commissioner from district number one to be elected for four years, and the commissioners for districts number two and three for two years.

Senatorial
district.

SEC. 12. For the purpose of representation in the legislature until otherwise provided by law, the county of Pend Oreille shall be included in the second senatorial district, and shall constitute the sixtieth representative district; and shall be entitled to one representative.

Officers
until or-
ganized.

SEC. 13. Until the county of Pend Oreille is organized by the appointment and qualification of its officers, the jurisdiction of the present officers of Stevens county shall remain in full force and effect in those portions of the territory constituting the said county of Pend Oreille.

Pertaining
to records.

SEC. 14. Within such time as they shall be transcribed after this act shall have become effective, the county auditor of Stevens county shall certify from the records of said county all records and all papers and documents on file in anywise affecting the title of any estate or property, real or personal, situated within the county of Pend Oreille, and the county commissioners of Pend Oreille county, shall provide at the expense of the county, proper and suitable record books, to which the said records shall be 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 Pend Oreille 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 originally been recorded or filed in the office of the auditor of Pend Oreille county.

SEC. 15. All actions and proceedings which shall be pending in the superior court of Stevens county at the time of taking effect of this act, affecting the title or possession of real estate in Pend Oreille county, or in which all the parties are residents of Pend Oreille county, shall be transferred to the superior court of Pend Oreille county, and all further proceedings had therein shall be in Pend Oreille county, the same as if originally commenced in that county. All other proceedings civil or criminal now pending in the superior court of Stevens county shall be prosecuted to the termination thereof in said county and court.

Pending actions.

SEC. 16. All pleadings, process, documents and files in the office of the county clerk of Stevens county affecting pending suits and proceedings shall be transferred as provided in the preceding section, and all records therein transcribed as hereinafter provided, and certified by the county clerk of Stevens county, and transmitted to the county clerk of Pend Oreille county after said clerk shall have entered upon the duties of said office.

Records certified.

SEC. 17. All records, documents, and papers of record, on file in the office of the county clerk, county auditor and all other officers of Stevens county, in anywise affecting the title or possession of real estate or other property in Pend Oreille county and required to be transcribed shall be transcribed and transmitted to the county clerk, county auditor, or other officer of Pend Oreille county by such person or persons as may be employed by the county of Pend Oreille for such purpose under the certificate of the county clerk, county auditor, and other officers of Stevens county, and the said record and documents when so transcribed and transferred shall be received as evidence in all courts and places as originally recorded and filed in the county of Pend Oreille.

Affecting title.

Records as evidence.

SEC. 18. All records of Stevens county required by this act to be transcribed shall be transcribed by a person to be employed by the county commissioners of Pend Oreille county, as follows, to wit: Said transcribing shall be done

Transcribing. by a person or persons under contract, 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 offices from which said records 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 Stevens county, contained therein, and each officer so certifying shall finally certify to the completeness of all records as transcribed from his office. All expense incurred by the county of Stevens in comparing and certifying the records required to be transcribed under the provisions of this act shall be borne by the county of Pend Oreille. All original volumes of all records of the assessment rolls of Stevens county which include only property in the territory comprising the new county of Pend Oreille shall be transmitted to the county of Pend Oreille.

Expense.

Passed the House February 10, 1911.

Passed the Senate February 20, 1911.

Approved by the Governor March 1, 1911.

CHAPTER 29.

[H. B. 155.]

RELATING TO CRIMINAL ACTIONS AGAINST CORPORATIONS.

AN ACT relating to procedure in criminal actions against corporations.

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

SECTION 1. Whenever an indictment or information shall be filed in any superior court against a corporation charging it with the commission of a crime, a summons shall be issued by the clerk of such court, signed by one of the judges thereof, commanding the sheriff forthwith to notify the accused thereof, and commanding it to appear before

Corporation
charged
with crime.

such court at such time as shall be specified in said summons. Such summons and a copy of the indictment or information shall be at once delivered by such clerk to said sheriff and by him forthwith served and returned in the manner provided for service of summons upon such corporation in a civil action. Whenever a complaint against a corporation, charging it with the commission of a crime, shall be made before any justice of the peace or municipal judge, a like summons, signed by such justice of the peace or municipal judge, shall be issued, which, together with a copy of said complaint, shall be delivered to the sheriff at once and by him forthwith served as herein provided.

Copy served.

SEC. 2. Upon such service being made such corporation shall appear at the time designated, by one of its officers or by counsel; and upon such appearance, and thereafter, the same course shall be pursued, as nearly as may be, as upon the appearance of an individual to indictment, information or complaint and warrant charging him with the same offense. Upon failure of the corporation to make such appearance said court shall cause to be entered a plea of "not guilty," and upon appearance made or plea entered the corporation shall be deemed forthwith continuously present in court until the case shall be finally disposed of.

Failure to appear.

SEC. 3. If the corporation shall be found guilty and a fine imposed, it shall be entered and docketed by the clerk, or justice of the peace or municipal judge as a judgment against the corporation, and it shall be of the same force and effect and be enforced against such corporation in the same manner as a judgment in a civil action.

Same effect as civil action.

Passed the House February 2, 1911.

Passed the Senate February 25, 1911.

Approved by the Governor February 28, 1911.

CHAPTER 30.

[S. B. 183.]

RELATING TO INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

AN ACT relating to the inspection and supervision of public offices and the bureau of inspection and supervision of public offices, and amending sections 8351, 8352, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. Section[s] 8351, 8352, 8355 and 8356 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same hereby are amended to read as follows:

Section 8351. It shall be the duty of every public officer and employe to keep all accounts of his office in the form prescribed and to make all reports required by the state auditor. Refusal or neglect to perform these duties shall be deemed an offense against the efficiency of public administration and the welfare of the people, and shall be punished by removal from office, after trial and conviction by a court of competent jurisdiction. Every public officer and employe whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him with the treasurer of the taxing district once every twenty four consecutive hours. In case a public officer or employe collects or receives funds for the account of a taxing district of which he is an officer or employe, he shall, during the Saturday of each week, pay to the proper officer of the taxing district for account of which the collection was made or payment received, the full amount collected or received during the current week for the account of such taxing district.

Section 8352. After the Bureau of Inspection and Supervision shall have formulated and installed the system of uniform accounting in any or all classes of public offices,

[Amending
§ 8351,
Rem.-Bal.]

Keeping
accounts.

Deposit each
Saturday.

[Amending
§ 8352,
Rem.-Bal.]

the state auditor is hereby empowered to appoint additional assistants as required to administer the provisions of this chapter; said additional assistants shall be known as state examiners, who shall each be paid eight dollars per day for the time necessary to the performance of his duties, and in addition thereto his railroad fare once to and from the place of examination.

State
examiners.

Section 8355. The expense of maintaining and operating the bureau herein provided for shall be paid out of the state general fund in the same manner as other state employes.

[Amending
§ 8355,
Rem.-Bal.]

Payment.

Section 8356. The expense of auditing public accounts shall be borne by each taxing district for the auditing of all accounts under its jurisdiction and the state auditor is hereby authorized and empowered to certify the expense of such audit to the auditor of the county in which said taxing district is situated, who shall promptly issue his warrant on the county treasurer payable out of the current expense fund of the county, said fund, except as to auditing the financial affairs and making inspection and examination of the county, to be reimbursed by the county auditor out of the money due said taxing district at the next monthly settlement of the collection of taxes and to be transferred monthly by the county treasurer to the current expense fund: *Provided*, That when such examiners are used in auditing the accounts of state offices and institutions, they shall be paid by the state.

[Amending
§ 8356,
Rem.-Bal.]

Expense,
how borne.

When paid
by state.

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

Emergency.

Passed the Senate February 10, 1911.

Passed the House February 28, 1911.

Approved by the Governor March 6, 1911.

CHAPTER 31.

[S. B. 271.]

RELATING TO SPECIAL ELECTIONS IN CITIES.

AN ACT relating to the opening and closing of polls at special elections held in cities for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor, and declaring an emergency.

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

Special
election.

SECTION 1. That at any special election held in any city for the purpose of submitting to the qualified electors any proposition or propositions to incur municipal indebtedness and to issue negotiable bonds therefor, the polls shall open and close at the same hours fixed by the laws of the State of Washington for the opening and closing of the polls at elections where national, state, county or municipal officers are elected, any provision in the charter of any such city to the contrary notwithstanding.

Emergency.

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

Passed the Senate February 27, 1911.

Passed the House March 6, 1911.

Approved by the Governor March 6, 1911.

CHAPTER 32.

[S. B. 318.]

CANVASSING VOTES IN CITIES OF FIRST CLASS.

AN ACT relating to the canvassing of votes cast in municipal elections in cities of the first class, and declaring an emergency.

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

SECTION 1. Within five (5) days after the date of any general or special municipal election in any city of the first

class, the legislative body of any such city shall convene at the hour fixed by its rules for regular meetings and shall open and canvass the returns of such election and shall declare and certify the result of such election.

Canvassing returns.

SEC. 2. Nothing herein shall be deemed to affect any provision now or hereafter incorporated in any charter or ordinances of any such city providing a manner for the canvass of, and declaration of the result of, the votes cast at such elections.

No change in charters.

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

Emergency.

Passed the Senate March 3, 1911.

Passed the House March 6, 1911.

Approved by the Governor March 6, 1911.

CHAPTER 33.

[H. B. 174.]

OFFICERS IN CITIES OF FOURTH CLASS.

AN ACT relating to officers in cities of the fourth class and amending section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 7721 of Remington and Ballinger's Annotated Codes and Statutes of Washington relating to officers in cities of the fourth class be and the same is hereby amended to read as follows: Section 7721. The mayor, members of the council and treasurer shall be elected by the qualified electors of said town at the general municipal election to be held therein on the first Tuesday after the first Monday in December in each year. The treasurer shall hold office for the period of one year from and after the second Tuesday in January next succeeding the date of such election and until his successor is elected

[Amending § 7721, Rem.-Bal.]

Defining terms of office.

and qualified. The mayor and members of the council shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election and until their successors are elected and qualified: *Provided*, That the first council elected under the provisions of this act shall at their first meeting so classify themselves by lot as that three of their number shall go out of office at the expiration of one year and two at the expiration of two years. The mayor shall appoint a marshall, police justice and clerk. The city council may provide by ordinance for the appointment by the mayor of an attorney, poundmaster, superintendent of streets, a civil engineer and such police and other subordinate officers as in the judgment of the city council may be deemed necessary and may by ordinance fix their compensation. No appointment of any officer provided for herein shall be subject to confirmation by the city council. All officers appointed by the mayor as provided for in this act shall hold office during his pleasure.

Providing
minor
officials.

Emergency.

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

Passed the House February 16, 1911.

Passed the Senate March 2, 1911.

Approved by the Governor March 7, 1911.

CHAPTER 34.

[H. B. 288.]

EQUALIZING WHERE TOWNSHIP ORGANIZATION EXISTS.

AN ACT relating to township organization, requiring county boards of equalization to equalize property as between townships, amending sections 9339½, 9368, 9400 and 9414 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and providing for the purchase of printed township supplies through the office of the county auditor, and declaring an emergency.

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

SECTION 1. That section 9339½, 9368, 9400 and 9414 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Amending
code.
[Amending
§ 9339½,
Rem.-Bal.]

Section 9339½. The electors of each town have power, at their annual town meeting—

First. To determine the number of pound-masters, and location of pounds.

Second. To select such town officers as are required to be chosen.

Third. To direct the institution or defense of actions in all controversies where such town is interested.

Fourth. To direct such sums to be raised in such town for prosecuting or defending such actions as they may deem necessary.

Fifth. To make all rules and regulations for ascertaining the sufficiency of fences in such town and for impounding animals.

Sixth. To determine the time and manner in which certain domestic animals may be permitted to go at large.

Seventh. To impose such penalties on persons offending against any rules or regulations established by said town, except such as relate to the keeping and maintaining of fences, as they think proper, not exceeding ten dollars for each offense, unless herein otherwise provided. Imposing
penalties.

Eighth. To apply such penalties, when collected, in

such manner as they deem most conducive to the interests of the town.

Levying
taxes.

Ninth. To vote to raise such sums of money for the repairs and construction of roads and bridges as they deem necessary, and to determine the amount thereof to be assessed by the supervisors as labor tax and the amount thereof to be assessed and collected as other town taxes; also to vote such sums of money for other necessary town charges as they deem expedient: *Provided*, That they may, at their annual town meeting, direct such an amount of the poll and road tax of the town to be expended on the highways in an adjoining town as they deem conducive to the interests of the town, which labor and tax shall be expended under the direction of the supervisors of the town furnishing the same.

Establishing
library.

Tenth. To vote by ballot to establish a town library for the use of the people thereof and when established to make all by-laws, rules and regulations necessary for the management thereof; to raise a sum not exceeding three hundred (\$300.00) dollars in any one year for the providing of books, furnishing a place to keep such library, and pay a librarian for his services; said sum to be expended on the direction of the board.

Cemetery.

Eleventh. To instruct by vote the board to purchase grounds for a town cemetery; to limit the price to be paid therefor, to raise a tax for payment thereof and to establish rules for the care and management of the same.

Twelfth. To authorize the licensing of dogs.

[Amending
§ 9368,
Rem.-Bal.]
Supervisors'
powers.

Section 9368. The supervisors shall have charge of such affairs of the town as are not by law committed to other town officers; and they shall have power to designate the justice of the peace, or other suitable person, as police judge in and for such township: and such police judge shall have the same powers and duties as are conferred by law upon the police judge in cities of the fourth class: and they shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the

town, and for all moneys raised by the town to be disbursed for any other purpose. They shall have charge of all highways and bridges in their respective townships, and the care and supervision thereof; and shall have power to divide their respective townships into road districts and to appoint one resident elector of each road district as overseer thereof for the first year of township organization; to establish new highways and bridges and to vacate or alter all highways and bridges wholly within the township in the same manner as now provided by law for the establishing of new highways and bridges and the vacation or alteration of the same by the county commissioners in the case of county roads and bridges, except that the duties therein provided to be performed by the county commissioners shall be performed by the township board of supervisors except that all notices therein provided shall be given by the county engineer and all meetings therein provided shall be held at his office in the county court house and all records and files maintained therein, and all expenses for the condemnation and procuring of right-of-ways therein provided shall be met and paid by the township treasurer on order of the board of township supervisors, and it shall be unlawful for any township funds to be expended upon any roads not established in accordance with said law: *Provided*, Nothing in this act contained shall be construed as prohibiting any county from or denying to any county the power to build, repair, alter and maintain, at the county's expense, such highways and bridges as the county generally is interested in or such as may be of so large cost that a single township could not undertake the construction of, or such as are located in sparsely settled townships as are unable to construct the same.

Highways
and bridges.

Building
roads.

Section 9400. First. The county assessor shall annually provide the necessary assessment books and blanks at the expense of the county, for and to correspond with each assessment district. He shall make out in the real property assessment book complete lists of all lands or lots subject to taxation, showing the names of the owners, if to

[Amending
§ 9400,
Rem.-Bal. 1

Duty of
assessor.

Making
assessment.

him known, and, if unknown, so stated opposite each tract or lot, the number of acres and the lots and parts of lots or blocks included in each description of property. The list of real property becoming subject to assessment and taxation every odd numbered year may be appended to the personal property assessment book. The assessment books and blanks shall be delivered to the county assessor on or before the second Saturday of March in each year, and the town assessors shall meet on that day at the office of the county assessor for the purpose of receiving such books and blanks, and for conference with the said county assessor in reference to the performance of their duties and that all township assessors shall perform their duties under the supervision of the county assessor.

Equalizing.

Second. The county assessor shall in making up his work for the county board of equalization, add thereto the assessment rolls of the various townships and the same shall be equalized by the county board of equalization as between townships as other property in such counties is equalized. If it shall be necessary to raise the assessment of a township or townships, the county board of equalization shall serve written notice upon the chairman of the township board of supervisors of its intention so to do and shall also give general notice by publication to the residents of such township or townships at least five days previous to raising such assessment.

[Amending
§ 9414,
Rem.-Bal.]

Poundmaster
fees.

Section 9414. The poundmaster shall be allowed the following fees, to-wit: For taking into pound and discharging therefrom any horse, ass or mule and all meat cattle, fifty cents each; and for every hog, large or small, sheep or lamb, goat or kid, twenty-five cents each; and fifty cents a day for keeping each head of horses, asses, mules or meat cattle twenty-four hours, and twenty cents for keeping each hog, sheep or goat, for each twenty-four hours. And the poundmaster has a lien on all such animals for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals un-

til the same are paid; and if the same are not paid, and said animals removed, within four days after they are so impounded, the said poundmaster shall give notice by posting the same in three of the most public places in said town, or by personal notice in writing, if the owner is known, that said animals (describing them) are impounded and that, unless the same are taken away and fee paid within fifteen days after the date of such notice, he will sell the same at public vendue at the place where the town meetings of said town are usually held; and on the day designated in such notice the said poundmaster shall expose the said animals for sale, and sell the same to the highest bidder in cash, for which service he shall receive two per cent. of the purchase money for each animal. Out of the money realized from said sale, the said poundmaster shall deduct all his legal fees and charges, and pay the balance, if any, to the chairman of the town supervisors, at the same time giving to said supervisors an accurate description of the animals sold, and the amount received by him for each animal, and shall take a receipt and duplicate therefor, and file one of them with the town clerk: *Provided*, That the said supervisors shall, at any time within six months, upon sufficient proof from the owner of any animal so sold, pay to said owner the balance due as received from the said poundmaster; but if said money is not claimed within that time, the sum so received shall be retained for the use of said town.

Notice given.

Pay to supervisors.

SEC. 2. It shall be the duty of each township clerk to report to the county auditor on or before the first day of March in each year the amount and the kind of printing supplies, blank books, etc., other than those furnished by the county assessor, needed by the township for the ensuing year.

[See § 9373, Rem.-Bal.]

Duty of clerk.

SEC. 3. The county auditor upon receiving the estimates of the various townships shall procure from the lowest bidder the supplies and turn said supplies over to the township ordering the same at actual cost.

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

Passed the House February 17, 1911.

Passed the Senate March 2, 1911.

Approved by the Governor March 7, 1911.

CHAPTER 35.

[H. B. 356.]

IMPROVING PUBLIC HIGHWAYS, AND MAKING APPROPRIATIONS.

AN ACT relating to the improvement of public highways, providing for the payment of the cost thereof, making appropriations therefor, repealing chapter 150 of the Session Laws of 1907, and declaring an emergency.

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

SECTION 1. The term "permanent highway," when used in this act, shall be construed to mean an improved public road constructed along a main line of travel, either beginning at some trade center or an extension of an existing road of like character beginning at some trade center. Every permanent highway shall be uniformly graded to a width of not less than sixteen feet, shall have proper bridges, drains and culverts, and shall be surfaced with macadam, stone, gravel or other material equally as permanent and durable not less than twelve feet in width. No such highway shall be constructed with a grade exceeding five per cent., except where, by reason of physical conditions, it is not feasible or practicable to obtain such grade, but in no case shall any such highway be constructed with a grade greater than ten per cent.

SEC. 2. The owners of two-thirds of the lineal feet fronting upon any public highway or section thereof in any county may present to the board of county commissioners a petition setting forth that the petitioners are such owners, and that they desire that such highway or

Defining permanent highway.

Owners petition.

section thereof be improved under the provisions of this act.

SEC. 3. The board of county commissioners in any county, upon the receipt of a petition as provided in the preceding section, or upon its own motion, may pass a resolution for the improvement of any public road or highway or section thereof described in such resolution, under the provisions of this act, and within ten days after the passage of any such resolution shall transmit a certified copy of the same to the state highway commissioner.

Resolution to improve.

Said board shall have no power to provide for the improvement of any portion of a highway within the corporate limits of any city or town.

SEC. 4. Such highway commissioner, upon receipt of such resolution, shall investigate and determine whether the highway or section thereof sought to be improved is of sufficient public importance to merit improvement under the provisions of this act, taking into consideration the use, location and value of such highway or section thereof for the purpose of common traffic and travel, and after such investigation shall certify his approval or disapproval of such resolution, and if he shall disapprove such resolution he shall state his reasons therefor.

Highway commissioner's duty.

All expenses incurred by the state highway commissioner under the provisions of this act shall be paid from the public highway fund.

SEC. 5. The board of county commissioners may require the county engineer to perform all engineering in connection with and to supervise any improvement work contemplated or prosecuted under the provisions of this act, or may in its discretion employ a construction engineer for that purpose and fix his compensation, such compensation to be paid by the county.

County engineer.

SEC. 6. Whenever the board of county commissioners shall have passed a resolution for the improvement of any public highway under the provisions of this act, and the same shall have received the approval of the state highway commissioner, a certified copy thereof shall be transmitted

to the county engineer, or construction engineer appointed as aforesaid, who shall thereupon make the necessary surveys and prepare profiles, maps, plans and specifications, and an estimate of the cost of construction or improvement of the highway or section thereof described in the resolution; making such recommendations concerning deviation from existing lines as he shall deem of advantage to obtain a shorter and more direct route, or to lessen gradients, or to otherwise improve such highway.

Make surveys.

Recommendation.

SEC. 7. Upon the completion of such profiles, maps, plans, specifications and estimate, a copy thereof shall be transmitted to the state highway commissioner, who shall thereupon examine the same and return them to the board of county commissioners, making such changes therein or recommendations with reference thereto as he may deem advisable, and certifying his approval thereof.

Permanent record.

Upon receipt of such profiles, maps, plans, specifications and estimate, the board of county commissioners may pass a resolution adopting the same, and that such highway or section thereof shall be improved under the provisions of this act. No resolution thereafter adopted by said board shall have the effect of rescinding or annulling the resolution so adopting such profiles, maps, plans, specifications and estimate. The profiles, maps, plans, specifications and estimate as finally adopted by the board of county commissioners shall be filed in its office and become a permanent record of the board, and certified copies thereof shall be transmitted to the state highway commissioner and to the county engineer.

Board may condemn.

SEC. 8. Whenever the board of county commissioners shall find it necessary for the purpose of straightening any permanent highway, lessening the gradients thereof, or otherwise improving the same, to acquire or appropriate lands, real estate, or other property, and are unable to agree with the owners thereof, upon the reasonable and fair value of such lands, real estate, or other property, such board is hereby authorized to acquire the same by condemnation proceedings in the manner provided by law for

the appropriation of lands, real estate or other property by private corporations authorized to exercise the right of eminent domain.

SEC. 9. When the board of county commissioners shall have finally adopted the profiles, maps, plans and specifications for the improvement of any permanent highway under the provisions of this act, said board shall advertise for bids for three successive weeks in a newspaper published at the county seat of such county, and in such other newspaper as shall be deemed of advantage, for the construction and improvement of such permanent highway or section thereof according to such profiles, maps, plans and specifications, and shall award the contract to the lowest responsible bidder, save that the board shall have the right to reject any and all bids. Before entering into any contract for such construction or improvement, it shall require a corporate surety bond in the full amount of the contract, conditioned that the party thereto will perform the work upon the terms, within the time, and in accordance with the contract, profiles, maps, plans and specifications, and that such party will indemnify the county against any direct or indirect damages that shall be suffered or claimed for injuries to persons or property during the construction and improvement of such highway and until the same is accepted. Each bid shall be accompanied by a certified check in a sum equal to one-tenth of the amount of such bid, payable to the county, which shall be forfeited to the county upon the failure of the party, for a period of twenty days after any contract is awarded to any such party, to enter into a proper contract and furnish satisfactory bonds as required by this act. Monthly partial payments shall be provided for in the contract and paid in the manner therein provided, when certified by the county engineer or construction engineer employed, as the case may be, to an amount equal to eighty per centum of the value of the work done during the preceding month. Twenty per centum of the contract price shall be retained until the entire work has been accepted, and no final payment shall

Advertise
for bids.

Surety bond.

Certified
check.

Final pay-
ment.

be made until the state highway commissioner shall have examined the work or caused the same to be examined and certify to the state auditor that such work has been fully completed in accordance with the contract and the profiles, maps, plans and specifications governing such work. All payments upon contracts entered into in accordance with the provisions of this act shall be made by the state treasurer from the permanent highway fund hereinafter created, upon the warrant of the state auditor issued upon the presentation of proper vouchers by the person entitled thereto, said vouchers to be approved by the board of county commissioners, and, in the case of final payment, to be accompanied by the certificate of the state highway commissioner as aforesaid. The state auditor shall issue no warrant for any purpose against the permanent highway fund hereinafter provided for unless there be sufficient money to pay such warrant in such fund to the credit of the county affected. No payment shall be made for any incidental changes during the progress of the work, unless the same shall have been approved by the board of county commissioners by resolution, and a copy of said resolution shall have been transmitted to the state highway commissioner. The board of county commissioners shall let no contract for the improvement of any permanent highway or section thereof less than one mile in length. Whenever any permanent highway shall be improved or constructed pursuant to a petition as provided for in section two of this act, the proportion of the cost of such improvement chargeable to the property within the improvement district shall be paid out of the general road and bridge fund of the county, and all taxes assessed against abutting property under the provisions of the following section shall, when collected, be paid into said general road and bridge fund.

Changes
approved.

SEC. 10. The county assessor of any county in which any highway or section thereof has been improved or constructed pursuant to petition as provided in section two of this act, shall have the power and it shall be his duty upon receiving notice from the board of county commis-

sioners of the county in which said highway is located, of the cost of construction or improvement of such highway or section thereof, to assess, upon lands benefited thereby, and situated within the boundaries of an improvement district to be established, fifteen per cent. or such greater per cent. as may be stated in such petition, of said total cost. Such improvement district shall be constituted, and the boundaries thereof fixed, as follows: The highway coterminous with the improvement shall be the central line through the district, and the bordering lands on each side, and within a distance of half a mile from the margin of said highway and coterminous with the construction work or improvement shall be included in and constitute the body of the improvement district, and shall be subject to assessment to the extent above provided. For the purpose of making an equitable apportionment of the assessment, such improvement district shall be divided longitudinally into three parts as follows: All the land on both sides of the highway, and within a distance of eight hundred and eighty feet from the margins thereof shall constitute the first subdivision; all the land outside of said first subdivision and within eight hundred and eighty feet from the exterior margins thereof, shall constitute the second subdivision; and all the land outside of said second subdivision and within eight hundred and eighty feet from the exterior margins thereof shall constitute the third subdivision. In case the petition shall call for the payment of fifteen per cent., each separate tract or parcel of land in said first subdivision shall be assessed and be subject to a charge for a proportional part of seven per cent. of the whole cost of the construction work, or improvement of said highway, and it shall be subject to a lien therefor until it shall be paid; each separate tract or parcel of land in said second subdivision shall be assessed and subject to a charge for a proportional part of five per cent. of the whole cost of such construction work, or improvement, and be subject to a lien therefor until it shall be paid; each separate tract or parcel of land in said third subdivision

Fifteen per cent. tax.

Three divisions.

Per cent. of tax.

shall be assessed and subject to a charge for a proportional part of three per cent. of the whole cost of such construction work, or improvement, and be subject to a lien therefor until it shall be paid. If the per cent. of the cost to be paid by such owners shall be greater than fifteen per cent., the excess shall be assessed to the property in each subdivision upon the same ratio as such fifteen per cent. The charge upon the several separate tracts or parcels of land in each subdivision shall be assessed ratably according to the front foot plan; that is to say, one foot of longitude measured along the highway constituting the center of such improvement district, and extending latitudinally across the subdivision shall be taken as the unit by which to determine the proportion of the assessment, so that a unit in each subdivision will be seventeen hundred and sixty square feet of superficial area. A list of the several tracts or parcels of land in such improvement district shall be made and verified by the assessor in the same form as the general list of real estate is required to be made for state and county taxation, and the same shall be filed with the auditor of the county at least thirty days prior to the date prescribed by law for the first annual meeting of the county board of equalization after such list shall have been completed, and at said meeting, or an adjourned meeting, said board shall hear all objections to the assessments and determine the same, and correct all errors which may be found in such list; and after the same shall have been examined, compared and corrected by the county board of equalization, the assessments shall be by the county assessor extended upon the tax-roll for the current year, and shall be collected in the same manner as the general taxes of such county are collected, and shall become delinquent at the same time as general taxes, and after becoming delinquent shall be increased by the same percentage of penalty as other delinquent state and county taxes. A notice, directed to all owners of property affected by such assessment, whether known or unknown, to appear before said county board of equalization on a day

Tract list.

Extended on
tax roll.

Manner of
collecting.

to be therein specified to make their objections, if they have any, to such assessments, shall be published by the county auditor in a newspaper of general circulation in the county in at least three issues on different days of said newspaper, the first of which shall be at least twenty days prior to the specified date for appearances, and said notice shall contain a description of the highway, for the construction or improvement of which the assessment is made, and enumerate the several sections of land, according to the United States surveys, which shall be wholly or partially included within the special improvement district. If any such assessment shall be deemed invalid by the county board of equalization or adjudged to be invalid by any court of competent jurisdiction, a reassessment of the land within an improvement district with proper boundaries shall be made and collected in the manner herein prescribed. The county boards of equalization may hold adjourned or special sessions whenever it may be necessary to do so for the purpose of hearing objections to, and completing assessments lists required by this act.

Re-assessment.

All persons owning property abutting on such highway so improved, or residing thereon shall thereafter pay all highway taxes assessed against them in money, and in the manner now provided by law.

SEC. 11. Whenever a contract has been let for the improvement or construction of any such highway in accordance with the provisions of this act, the contractors may and are hereby authorized to, whenever the engineer in charge of the work shall certify to the necessity therefor in writing, close any such highway or section thereof to the public by putting up a sufficient obstruction and notice to the effect that such highway is so closed. When such highway shall have been so closed to the public any person disregarding such obstruction and driving, riding or walking over any portion of such highways so inclosed, shall be deemed guilty of a misdemeanor. Nothing herein contained, however, shall relieve the contractors of the burden of keeping highways under construction at all

Building highway.

Closing highway.

times open to the public until the engineer in charge of the work shall have certified to the necessity for closing such highway and shall have filed such certificate in the office of the county auditor of the county within which such highway or section thereof is located.

Maintenance. SEC. 12. Whenever the improvement of any permanent highway shall have been completed and accepted under the provisions of this act, the same shall be maintained in the same manner as is provided by law for the maintenance of other public highways and roads.

Draining. SEC. 13. Whenever during the construction of any such highway, or after its completion, it may be necessary for the proper construction or maintenance thereof to open or maintain ditches or drains for the purpose of properly draining such highway, the county commissioners of the county within which such highway or section thereof is situated, shall have the right to enter upon the lands adjacent thereto and to open any existing ditch or drain or dig a new ditch or drain for the free passage of water for the purpose of draining such highway. Said county commissioners shall also be empowered to agree with the owner of any such lands upon the amount of damages, if any, sustained by him in consequence of such entry upon his lands and performance of the work hereby authorized, and the amount of damages so agreed upon shall be the road district charge and shall be audited and paid the same as other road district charges. If the county commissioners are unable to agree with such owner upon the amount of damages thus sustained, the amount thereof shall be ascertained and determined and paid in the same manner as damages are so ascertained, determined and paid where new highways are laid out and opened and the county commissioners and land owners are unable to agree upon the amount thereof.

Providing revenue. SEC. 14. For the purpose of raising revenues for the improvement of permanent highways under the provisions of this act, the proper state officers shall levy and collect a tax of one mill upon all property in the state subject

to taxation for the fiscal year commencing March first, 1911, and for each fiscal year thereafter. All moneys derived from such tax shall be paid into the state treasury and credited to a fund to be known as the "Permanent Highway Fund." The amounts received from each county shall be credited to the county paying the same until such time as the same shall be expended on contracts for permanent highways for such county under the provisions of this act.

SEC. 15. Upon the taking effect of this act, the state treasurer shall transfer from the public highway fund to the permanent highway fund hereby created, and placed to the credit of each county, a sum equal to one-half of all taxes levied in such county for said public highway fund for the years 1907, 1908, 1909 and 1910, first deducting therefrom all sums expended from the public highway fund for state aid road purposes in such county under the provisions of chapter 150 of the Session Laws of 1907 prior to such transfer. All payments on contracts executed prior to the passage of this act for state aid roads shall, from and after the date of its passage, be paid out of the permanent highway fund and charged to the county in which such state aid road is situated: *Provided*, That if any county shall not have sufficient money to its credit in the permanent highway fund to carry out any such contract or contracts, then and in that event the state treasurer shall transfer to the credit of such county from the public highway fund to the permanent highway fund sufficient money to complete the existing contracts for state aid roads. For the purpose of making the transfers from the public highway fund to the permanent highway fund, as provided in this section, there is hereby appropriated out of the public highway fund the sum of five hundred and eighty thousand dollars, or so much thereof as may be necessary.

Transfer
fund.

Insufficient
funds.

Appropriat-
ing \$580,000.

SEC. 16. No railroad or street railroad, by whatsoever power operated, shall be constructed upon any permanent highway or section thereof which may be improved under

No railroads
thereon.

the provisions of this act, and the acts amendatory thereof and supplemental thereto, nor shall any such railroad or street railroad be constructed upon any public highway or section thereof of which such permanent highway is a continuation.

§§ 5879-5896,
Rem.-Bal.,
repealed.

SEC. 17. That chapter 150 of the Session Laws of 1907 be, and the same is hereby, repealed, but this section shall not be construed to affect any contract for state aid roads entered into prior to the taking effect of this act, save that payments on such contracts shall be made as herein provided.

Appropriat-
ing \$1,230,-
000.00.

SEC. 18. For the purpose of making payments on contracts for permanent highways and outstanding contracts for state aid roads under the provisions of this act, and otherwise carrying out the provisions thereof, there is hereby appropriated out of the permanent highway fund the sum of one million, two hundred and thirty thousand dollars, or so much thereof as may be necessary.

Emergency.

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

Passed the House February 20, 1911.

Passed the Senate March 2, 1911.

Approved by the Governor March 8, 1911.

CHAPTER 36.

[H. B. 253.]

RELATING TO STATE LANDS AND THEIR MANAGEMENT.

AN ACT to amend section 4 of an act entitled, "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted school, tide, oyster and other lands, harbor areas and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the board of state land commissioners; defining their duties and making an appropriation therefor, and declaring an emergency. Approved March 16, 1897," and to grant to former purchasers of tide lands of the second class, their grantees and successors in interest, the prior and preference rights to purchase all lands over which the tide ebbs and flows, lying between the line of mean low tide and the line of extreme low tide, and lying in front of such tide lands of the second class heretofore sold or conveyed to such purchasers, their grantees and successors in interest by the State of Washington, and declaring an emergency.

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

SECTION 1. That section 4 of an act entitled "An act to provide for the selection, survey, management, reclamation, lease and disposition of the state's granted, school, tide, oyster and other lands, harbor areas, and for the confirmation and completion of the several grants to the state by the United States; creating a board of appraisers and a board of harbor line commissioners, as required by articles 15 and 16 of the state constitution, which shall be generally known as the Board of State Land Commissioners; defining their duties and making an appropriation therefor, and declaring an emergency, approved March 16, 1897," be amended to read as follows, to-wit: Sec. 4. That for the purpose of this act all lands belonging to and under the control of the state shall be divided into the following classes:

(1) *Granted Lands.* (a) Common school lands and lieu and indemnity lands therefor. (b) University lands

[Amending
§ 6641,
Rem.-Bal.]

and lieu and indemnity therefor. (c) Other educational land grants. (d) Lands granted to the State of Washington for other than educational purposes, and lieu and indemnity lands therefor. (e) All other lands, including lands acquired or to be hereafter acquired by grant, deed of sale, or gift, or operation of law, including arid lands.

Tide lands.

(2) *Tide Lands.* All lands over which the tide ebbs and flows from the line of ordinary high tide to the line of extreme low tide, except in front of cities where harbor lines have been established or may hereafter be established, where such tide lands shall be those lying between the line of ordinary high tide and the inner harbor line and excepting oyster reserves.

Shore lands.

(3) *Shore Lands.* Lands bordering on the shores of navigable lakes and rivers below the line of ordinary high water and not subject to tidal flow.

Harbor lines.

(4) *Harbor Lines and Areas.* Such lines and areas as are described in article 15 of the constitution of the State of Washington and which have been established according to law. All of which outer harbor lines so established as aforesaid are hereby ratified and confirmed, also all such harbor lines and areas as may and shall be hereafter established.

Preferred rights.

SEC. 2. That the prior and preference right to purchase all tide lands of the second class lying between the line of mean low tide and the line of extreme low tide in front of all tide lands of the second class heretofore sold or conveyed by the State of Washington is hereby granted for the period of ninety days from the date this act goes into effect to the purchasers, their grantees or successors in interest of any tide lands of the second class heretofore sold or conveyed by the State of Washington. Such additional tide lands may be so purchased at the rate of one dollar per lineal chain measurement to be based on the United States government meander lines bordering the said tide lands heretofore sold. Upon application and payment for such additional tide lands within said ninety days to the land commissioner of the State of Washington,

[See §§ 6756-6757, Rem.-Bal.]

deed shall be issued to the respective purchaser or purchasers therefor. If such application and payment is not made within said ninety days by the parties to whom the preference rights under this section are given then such additional tide land shall be sold as other tide lands are sold under the laws of the State of Washington.

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

Passed the House February 14, 1911.

Passed the Senate March 2, 1911.

Approved by the Governor March 8, 1911.

CHAPTER 37.

[H. B. 12.]

LIMITING HOURS OF EMPLOYMENT OF FEMALES.

AN ACT to regulate and limit the hours of employment of females in any mechanical or mercantile establishment, laundry, hotel or restaurant; except establishments engaged in harvesting, packing, curing, canning or drying certain perishable articles and providing a saving clause as to such exception; to provide for its enforcement and a penalty for its violation.

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

SECTION 1. No female shall be employed in any mechanical or mercantile establishment, laundry, hotel or restaurant in this state more than eight hours during any day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four: [Amending
§ 6580,
Rem.-Bal.]
Provided, however, That the provisions of this section in relation to the hours of employment shall not apply to, nor affect, females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit or vegetable, nor to females employed in canning fish or shell-fish. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid Eight hours.

Validity.

for any reason, an adjudication of invalidity of said proviso or of any part of this act shall not affect the validity of the act as a whole or any other part thereof.

[Amending
§§ 6566-6567,
Rem.-Bal.]

Seats to be
provided.

SEC. 2. Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed, and every such employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this act printed in such form and style as may be prescribed by the commissioner of labor.

Penalty.

[See § 6568,
Rem.-Bal.]

SEC. 3. Any employer, overseer, superintendent or other agent of any such employer who shall violate any of the provisions of this act, shall, upon conviction thereof be fined for each offense in a sum not less than ten dollars nor more than one hundred dollars.

Passed the House February 27, 1911.

Passed the Senate March 4, 1911.

Approved by the Governor March 9, 1911.

CHAPTER 38.

[H. B. 559.]

APPROPRIATING FIVE HUNDRED DOLLARS FOR PRINTING.

AN ACT appropriating the sum of five hundred dollars, or so much thereof as may be necessary, to pay for such additional printing as may be ordered by the Twelfth Legislature or either branch thereof.

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

Appropriat-
ing \$500.00.

SECTION 1. That there be and is hereby appropriated out of the funds of the State of Washington not otherwise appropriated the sum of five hundred dollars to pay for such printing as may be ordered by the twelfth legislature or either branch thereof in excess of the sum of ten

thousand dollars heretofore appropriated, such printing to be done under the provisions of an act of the legislature, approved March 11, 1905.

Passed the House March 7, 1911.

Passed the Senate March 7, 1911.

Approved by the Governor March 9, 1911.

CHAPTER 39.

[H. B. 181.]

REGULATING SALE OF MILK AND CREAM.

AN ACT regulating the sale of bottled milk and bottled cream in cities of the first class, and providing a penalty for the violation thereof.

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

SECTION 1. Hereafter no bottled milk or bottled cream shall be offered for sale, sold or otherwise disposed of in cities of the first class in the State of Washington, unless the caps on all such bottles containing the milk or cream indicate and have inscribed thereon the name of the dairy, person, firm or corporation offering the same for sale.

[See generally §§ 2512-2515, Rem.-Bal.]

Name inscribed.

SEC. 2. Any person, firm or corporation in the State of Washington selling or offering for sale any bottled milk or bottled cream which do not have inscribed on the caps of the bottles the name of the dairy, person, firm or corporation offering the same for sale, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 3. Any person, firm or corporation in the state selling or offering for sale any bottled milk or bottled cream with caps containing the name of some person, firm or corporation other than the owner of the same, for the purpose of inducing or securing a sale, or in any other way wrongfully or fraudulently brand the same as to name, or otherwise, shall be guilty of a misdemeanor.

Substituting and penalty.

Passed the House February 7, 1911.

Passed the Senate February 15, 1911.

Approved by the Governor March 9, 1911.

CHAPTER 40.

[H. B. 42.]

RELATING TO SUPERIOR COURT OF SNOHOMISH COUNTY.

AN ACT relating to the superior court of the county of Snohomish, the election and appointment of judges therein, and declaring an emergency.

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

Two Judges.

SECTION 1. Hereafter there shall be two judges of the superior court of the State of Washington, in and for Snohomish county.

Governor appoint.

SEC. 2. The governor shall, upon the taking effect of this act, appoint one additional judge of said superior court, who shall hold his office from the time of his appointment until his successor is elected and qualified, which said successor shall be elected at the general election in November, 1912.

Election in 1912.

SEC. 3. At the general election in November, 1912, there shall be elected two judges of the said superior court in and for Snohomish county, whose term of office shall be four years from and after the second Monday in January, 1913, and until their successors are elected and qualified; and every four years thereafter there shall be elected at the general state election two judges of the said superior court, whose terms of office shall be four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified.

Emergency.

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

Passed the House February 17, 1911.

Passed the Senate March 9, 1911.

Approved by the Governor March 9, 1911.

CHAPTER 41.

[S. B. 236.]

RELATING TO DELINQUENT CORPORATIONS.

AN ACT relating to delinquent corporations, providing for their reinstatement, or dissolution, validating the action of corporations having dissolved as provided by this act, and amending sections 3715a and 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 3715a of Remington and Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby, amended to read as follows: Section 3715a. Every corporation whose name has been, or shall hereafter be, stricken from the records of the office of the secretary of state in pursuance of law for failure to pay its annual license fee for two years is hereby authorized and permitted to apply to the secretary of state for reinstatement at any time after its name has been stricken from the records of the office of the secretary of state. Any corporation stricken from the records and dissolved, as provided in this chapter may at any time thereafter hold a meeting of stockholders, in the same manner as provided during its corporate existence, and pass such resolutions as may be necessary to close out its affairs and wind up the business of such corporation and where such stricken and dissolved corporation has heretofore held such meetings of stockholders for the purpose of passing resolutions to wind up their affairs, such method of procedure is hereby validated and approved.

[Amending
§ 3715a,
Rem.-Bal.]

Application
for re-in-
statement.

Validation
of action
heretofore
taken.

SEC. 2. That section 3715b of Remington and Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby, amended to read as follows: Section 3715b. Any corporation so applying for reinstatement shall at the time of its application pay to the secretary of state, for the use of the state, all license fees and penalties then due from it and the sum of one hundred dol-

[Amending
§ 3715b,
Rem.-Bal.]

Penalty.

lars as additional penalty: *Provided*, That this shall apply to the reinstatement of corporations, the names of which shall have been stricken at the present time, and hereafter whenever any corporation shall have its name stricken from the records by the secretary of state it shall, in applying for reinstatement, pay all license fees and penalties then due from it and the additional sum of twenty dollars for each and every year that its name has been stricken from the records, and upon the making of such application and such payment, it shall be the duty of the secretary of state to enter upon his records a notation that such corporation is reinstated.

Re-instate-
ment.

Emergency.

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

Passed the Senate March 3, 1911.

Passed the House March 7, 1911.

Approved by the Governor March 9, 1911.

CHAPTER 42.

[H. B. 153.]

INITIATIVE AND REFERENDUM.

AN ACT to amend section 1 of article II of the Constitution of the State of Washington, relating to legislative powers, providing for the initiative and referendum, and striking section 31 of said article II, relating to the time when laws take effect.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1912, there shall be submitted to the qualified electors of the state for adoption and approval or rejection an amendment to article II of the Constitution of the State of Washington, relating to legislative powers, by striking from article II all of sections 1 and 31, and inserting in lieu thereof as section 1 the following, so that the same shall read as follows:

Amending
Art. II,
Constitution.

Article II, section 1. The legislative authority of the State of Washington shall be vested in the legislature,

consisting of a senate and house of representatives, which shall be called the legislature of the State of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measure shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted

Initiative.

Per cent.
required.

Precedence.

Legislature
may reject
measure.

by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

Referendum.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted. Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition.

Time of taking effect.

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.

Petition filed with secretary of state.

(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed

the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: *Provided*, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

Vote necessary to adopt.

Basis of petition.

The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon.

Publicity.

SEC. 2. The secretary of state shall cause the amendment proposed in section 1 of this act to be published for three months next preceding the said election therein described in some weekly newspaper in every county where such newspaper is published throughout the state.

Notice of proposed amendment.

SEC. 3. There shall be printed on all ballots provided for the said election, the words:

Form of
ballot.

“For the proposed amendment of section 1 of article II of the constitution of the State of Washington, relating to legislative powers and providing for the initiative and referendum.”

“Against the proposed amendment of section 1 of article II of the constitution of the State of Washington, relating to legislative powers, and providing for the initiative and referendum.”

“For the proposed amendment of article II of the constitution of the State of Washington, by striking section 31 therefrom, which relates to the time when laws take effect.”

“Against the proposed amendment of article II of the constitution of the State of Washington, by striking section 31 therefrom, which relates to the time when laws take effect.”

Proclama-
tion.

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be held to have been adopted and to have been a part of the constitution from the date of such proclamation.

Passed the House February 14, 1911.

Passed the Senate March 1, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 43.

[H. B. 437.]

APPROPRIATION FOR HORTICULTURAL INSPECTION.

AN ACT relating to salaries and expenses of horticultural inspectors, making an appropriation therefor, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the following funds for all the expenses heretofore incurred or hereafter incurred prior to April 1, 1911, of the district horticultural inspectors and for the salaries and expenses of the assistant horticultural inspectors from the various district horticultural funds as follows: Districts.

From the district horticultural fund of district No. 1...	\$300 00
From the district horticultural fund of district No. 2...	4,300 00
From the district horticultural fund of district No. 3...	800 00
From the district horticultural fund of district No. 4...	400 00
From the district horticultural fund of district No. 5...	600 00
From the district horticultural fund of district No. 6...	150 00
From the district horticultural fund of district No. 7...	200 00
From the district horticultural fund of district No. 8...	286 67
From the district horticultural fund of district No. 9...	250 00
From the district horticultural fund of district No. 10..	325 27
From the district horticultural fund of district No. 11..	650 00
From the district horticultural fund of district No. 12..	700 00
From the district horticultural fund of district No. 13..	150 00
From the district horticultural fund of district No. 14..	300 00
From the district horticultural fund of district No. 15..	1,600 00

SEC. 2. That from and after the first day of May, 1911, all sums remaining in the various district horticultural funds as mentioned in section 1 of this act and all sums which are due or shall become due and owing to these funds, shall be paid to state treasurer to the credit of a fund known as the horticultural fund. Transfer of funds.

SEC. 3. The county treasurers of the several counties of the state of Washington shall remit to the state treasurer the amounts assessed against said counties for the purposes of horticultural inspection and to cover said amounts shall pay to the state treasurer such amounts as are now due County remittance.

and owing or shall hereafter become due and payable to the state treasurer.

Actions
against
counties.

SEC. 4. The attorney general of the State of Washington is hereby instructed to bring an action against any county or counties which have failed to pay the amount assessed or levied against said counties by horticultural inspectors for said horticultural purposes.

Emergency.

SEC. 5. An emergency exists and this act shall take effect immediately.

Passed the House March 3, 1911.

Passed the Senate March 9, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 44

[H. B. 448.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for maintenance of and sundry expenses at the various state institutions, schools and state offices and for the sundry civil expenses of the state government for the fiscal term beginning April 1, 1911, and ending March 31, 1913, except as otherwise provided, and making an appropriation for certain deficiencies.

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 several funds of the state treasury hereinafter named in payment of the salaries of certain officers and employes of the state, and for the maintenance and construction of buildings at, and other expenses for, the various state institutions and officers hereinbelow designated and mentioned, and for the other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1911, and ending March 31, 1913, and as hereinafter or otherwise particularly specified the amount appropriated for all buildings for state institutions, whether penal, charitable, educational or reformatory, to

be expended under the direction of the board having control:

FROM THE GENERAL FUND.

FOR THE GOVERNOR'S OFFICE.

Salary of governor.....	\$12,000	Governor.
Salary of employes, traveling expenses, postage and incidentals	18,400	
Extradition expenses and examinations into alleged infractions of the law.....	12,500	
For investigation of alleged violations of laws and survey of public lands.....	5,000	
Total.....	<u>\$47,900</u>	

FOR THE LIEUTENANT GOVERNOR'S OFFICE.

Salary and traveling expenses.....	\$350	Lieutenant governor.
------------------------------------	-------	----------------------

FOR THE SUPREME COURT.

Salary of supreme court judges.....	\$101,000	Supreme court.
Salary of clerk, clerk hire, postage and miscellaneous expenses	18,170	
Salary of reporter, clerk hire and incidentals.....	11,800	
Board of examiners.....	900	
Total.....	<u>\$131,870</u>	

FOR THE OFFICE OF THE SECRETARY OF STATE.

Salary of secretary.....	\$6,000	Secretary of state.
Salary of assistant secretary.....	3,600	
Salary of auditor and cashier.....	3,600	
Clerk hire, postage and incidentals.....	18,880	
Salary of deputy commissioner of statistics and immigration	3,600	
Postage, traveling expenses and incidentals in department of statistics and immigration.....	1,200	
Total.....	<u>\$36,880</u>	

FOR THE OFFICE OF ATTORNEY GENERAL.

Salary of attorney general.....	\$6,000	Attorney general.
Salary of four assistants.....	18,000	
Clerk hire, postage and incidentals.....	14,600	
Total.....	<u>\$38,600</u>	

FOR THE OFFICE OF AUDITOR.

Salary of state auditor.....	\$6,000	Auditor.
Salary of assistant auditor.....	4,800	
Salary of deputy auditor.....	3,600	
Clerk hire, traveling expenses, postage and incidentals.....	12,270	
Total.....	<u>\$26,670</u>	

FOR THE OFFICE OF TREASURER.

Treasurer.	Salary of state treasurer.....	\$6,000
	Salary of deputy treasurer.....	3,600
	Clerk hire, incidentals and postage.....	4,860
	Premium on treasurer's bond.....	2,000
	Total.....	\$16,460

FOR SUPERINTENDENT OF PUBLIC INSTRUCTION'S OFFICE.

Superintendent of public instruction.	Salary of superintendent.....	\$6,000
	Salary of assistant superintendent.....	3,600
	Salary of deputy superintendent.....	3,600
	Clerk hire, office equipment, traveling expenses, postage and examination of teachers, etc.....	14,500
	Rural school extension.....	1,750
	High school supervision.....	5,000
	State board of education.....	1,500
	Total.....	\$35,950

FOR THE LAND COMMISSIONER'S OFFICE.

Land commissioner.	Salary of commissioner.....	\$6,000
	Salary of assistant commissioner.....	4,000
	Salary of auditor and cashier.....	3,600
	Salary of secretary to board.....	3,600
	Salary of assistant secretary to board.....	2,400
	Salary of engineer.....	4,000
	Salary of draughtsmen, clerks, abstractors and stenographers.....	35,400
	Expenses of appraisement, sale and lease of state lands; expenses of selecting and perfecting title to state lands, including salaries, per diem and expenses of the commissioner and the board and including United States land office fees.....	60,000
	Expenses of defending state's title to tide, shore, granted, selected and other lands in the state courts, United States courts and land offices.....	5,000
	Expense of advertising sale and lease of land.....	22,000
	Postage, incidentals, traveling expenses, etc.....	7,000
	Surveying, platting and appraising tide and shore lands and surveying and establishing harbor lines; surveying and platting school and granted lands, including compensation of field engineer and expenses of the commissioner and the board.....	15,000
	Total.....	\$168,000

FOR SUPERIOR COURTS.

Superior courts.	Salaries of judges.....	\$114,000
	Traveling expenses.....	5,000
	Salaries of judges pro tem.....	1,200
	Total.....	\$120,200

FOR OFFICE OF THE STATE BOARD OF CONTROL.

Salaries of members.....	\$18,000	Board of control.
Salaries of office employes.....	12,400	
Traveling expenses	4,800	
Office supplies, furniture, postage and incidentals.....	4,000	
Total.....	\$39,200	

FOR THE STATE BOARD OF TAX COMMISSIONERS.

Salaries of commissioners.....	\$18,000	Tax commissioners.
Salary of secretary, clerk hire, incidental expenses, postage, supplies, traveling expenses, cost of suits, witness fees, expert assistance, etc.....	22,600	
Total.....	\$40,600	

FOR STATE LIBRARIAN'S OFFICE.

Salary of librarian.....	\$3,000	State library.
Salary of assistant librarian.....	2,400	
Purchase of books and incidentals.....	2,200	
Total.....	\$7,600	

FOR THE OFFICE OF STATE LAW LIBRARIAN.

Salary of librarian.....	\$4,800	Law library.
Salary of assistant librarian, incidentals, indexing Session Laws and shelving and purchase of books.....	14,000	
Total.....	\$18,800	

FOR THE STATE TRAVELING LIBRARY.

Salary of superintendent.....	\$2,400	Traveling library.
Books, casing and incidentals.....	3,600	
Total.....	\$6,000	

FOR THE OFFICE OF THE STATE LABOR COMMISSIONER.

Salary of commissioner.....	\$4,800	Labor commissioner.
Salary of deputy commissioner.....	2,400	
Expenses of assistant commissioner.....	1,000	
Clerk hire and office expense.....	3,000	
Expenses of arbitration.....	500	
For steamboat inspection, deputies and traveling expenses (so much thereof as may be necessary but in no event to exceed \$1,000 above the collections for this purpose)	2,600	
For factory inspectors, deputies and traveling expenses and incidentals in connection with the office (so much thereof as may be necessary but in no event to exceed the collections for this purpose).....	25,000	
Total.....	\$39,300	

FOR THE STATE BOARD OF HEALTH.

Board of Health.	Salary of commissioner.....	\$7,200
	Maintenance of board and bureau of vital statistics....	5,600
	Laboratory	4,200
	Control of communicable diseases and investigation and controlling of public waters.....	10,000
	Total.....	\$27,000

FOR THE STATE DAIRY AND FOOD COMMISSIONER'S OFFICE.

Dairy and food commissioner.	Salary of commissioner.....	\$3,600
	Salary of deputy state dairy instructor.....	3,000
	Salary of deputy dairy and food commissioner.....	3,000
	Salary of deputy drug inspector.....	2,400
	Salary of three dairy inspectors.....	7,200
	Salary of deputy seed inspector.....	2,400
	Clerk hire and office expenses.....	3,000
	Traveling expenses	18,000
	Total.....	\$42,600

FOR THE OFFICE OF STATE OIL INSPECTOR.

Oil inspector.	Salary of inspector.....	\$4,000
	Salary of chief deputy.....	3,000
	Salaries of extra deputies, traveling expenses (but not to exceed the collections for this purpose).....	11,800
	Total.....	\$18,800

FOR THE OFFICE OF INSURANCE COMMISSIONER.

Insurance commissioner.	Salary of commissioner.....	\$6,000
	Salary of deputy commissioner.....	4,000
	Salary of actuary and examiner.....	4,000
	Salary of clerks.....	13,200
	Postage, traveling expenses and incidentals.....	7,100
	Examination of insurance companies.....	7,000
	Total.....	\$41,300

FOR OFFICE OF STATE VETERINARIAN.

State veterinarian.	Traveling expenses of veterinarian, salaries and expenses of assistants, and incidentals.....	\$12,500
---------------------	---	----------

FOR OFFICE OF STATE HORTICULTURAL COMMISSIONER.

Horticultural commissioner.	Salary of commissioner.....	\$4,000
	Salary of deputy commissioner.....	3,000
	Clerk hire, traveling and other expenses.....	5,600
	Salaries and expenses of field inspectors.....	62,400
	Total.....	\$75,000

FOR OFFICE OF STATE MINE INSPECTOR.

Salary of inspector	\$4,800	Mine
Traveling expenses, rent, postage and other expenses.	3,600	inspector.
	<hr/>	
Total	\$8,400	

FOR OFFICE OF STATE BANK EXAMINER.

Salary of examiner.....	\$7,200	Bank
Salary of secretary	2,400	examiner.
Salary of deputies	9,600	
Traveling expenses, rent, incidentals, office bonds, etc...	12,500	
	<hr/>	
Total.....	\$31,700	

FOR OFFICE OF STATE FISH COMMISSIONER.

Salary of Commissioner	\$4,800	Fish com-
Traveling expenses of commissioner	2,000	missioner.
Salaries of three deputies	9,000	
Traveling expenses of deputies	3,600	
Clerk hire, rent and incidentals	5,300	
Repairing and maintenance of salmon hatcheries (not to exceed the collections thereof)	115,000	
Protection and improvement of oyster beds	7,000	
Maintenance of Lake Chelan trout hatchery	2,000	
Maintenance of Little Spokane trout hatchery	2,000	
Maintenance of Walla Walla trout hatchery	2,000	
Maintenance of Lewis river trout hatchery	2,000	
Salary of deputy game warden	3,000	
Traveling expenses of deputy game warden	1,500	
	<hr/>	
Total.....	\$159,200	

FOR THE STATE FIRE WARDEN.

Salary of fire warden	\$4,000	Fire warden.
Clerk hire, office expenses, traveling expenses and miscel- laneous expenses	71,000	
	<hr/>	
Total.....	\$75,000	

FOR STATE HOTEL INSPECTOR.

Salary of inspector	3,600	Hotel
Salary of three deputies	9,000	inspector.
Office rent, postage, traveling expenses, etc	9,095	
	<hr/>	
Total.....	\$21,695	

(Provided however that the total expenses shall in no case exceed the collections of the office).

FOR THE WESTERN WASHINGTON HOSPITAL FOR INSANE.

Western hospital for insane.	Maintenance, equipment, improvements, irrigation experi- ments, etc.	\$477,306
------------------------------------	--	-----------

FOR THE EASTERN WASHINGTON HOSPITAL FOR INSANE.

Eastern hospital for insane.	Maintenance, equipment, improvements, etc.	\$363,287
	New building	65,000

	Total.....	\$428,287
--	------------	-----------

FOR THE STATE SCHOOL FOR THE BLIND.

School for blind.	Maintenance, equipment, improvements, etc.....	\$45,481
----------------------	--	----------

FOR THE STATE SCHOOL FOR THE DEAF.

School for deaf.	Maintenance	\$81,872
	Dormitory for the girls	30,000
	Shop building for manual training	10,000
	Repairs and improvements, manual training and library.	8,200
	Traveling expenses of students to Gallaudet College, Washington, D. C.	700

	Total.....	\$130,772
--	------------	-----------

FOR NORTHERN HOSPITAL FOR INSANE.

Northern hospital for insane.	Maintenance, purchase of additional land, and buildings; provided that a portion not to exceed \$120,000 may be used for maintenance at the Western Washington Hos- pital for the Insane	\$385,000
-------------------------------------	---	-----------

FOR THE STATE PENITENTIARY.

Penitentiary.	Maintenance	\$281,435
	Construction of chapel	25,000
	Repairs, improvements, artesian well and library.....	17,500
	Operation of jute mill, purchase of jute, and salaries and other expenses	191,540

	Total.....	\$515,475
--	------------	-----------

FOR THE STATE TRAINING SCHOOL.

Training school.	Maintenance, equipment, improvements, etc.	\$153,793
---------------------	---	-----------

FOR STATE SOLDIERS' HOME.

Soldiers' home.	Maintenance	\$87,720
	New water system	3,000
	Engine house	3,000
	Repairs and improvements	10,000
	Carpets and furnishings	2,500
	Library	200
	Colony at Orting	22,000

	Total.....	\$128,420
--	------------	-----------

FOR THE STATE VETERANS' HOME.

Maintenance	\$110,000	Veterans'
Hospital building and furnishings	72,000	home.
Grading and cleaning grounds	2,000	
Heating and water sections for hospital	2,000	
Repairs and improvements	3,000	
Furniture	5,000	
Heating plant	35,000	
Total.....	\$229,000	

FOR THE STATE INSTITUTION FOR FEEBLE-MINDED.

Maintenance, equipment, improvements, etc.....	\$105,512	School for feeble-minded.
--	-----------	---------------------------

FOR THE STATE REFORMATORY.

Maintenance, equipment, improvements, etc.....	\$359,000	Reformatory.
--	-----------	--------------

FOR THE UNIVERSITY OF WASHINGTON.

Maintenance, equipment, improvements, etc.....	\$816,000	University.
(From the University current fund until exhausted, balance from general fund) <i>Provided</i> , That this appropriation be made contingent upon the continuance of the course in military drill, tactics, and other proper theoretical and practical military instruction for all first year male students, and the continuance of theoretical instruction for second year male students, except when excused by a three-fourths vote of the faculty.		

FOR THE STATE COLLEGE OF WASHINGTON.

Maintenance, experimental and extension work, and building, improvements and equipment, etc. (from the agricultural college fund until exhausted, balance from general fund)	\$480,000	State college.
Farmers' institutes and extension work	20,000	
Puyallup experimental station	30,000	
Purchase of additional land	5,000	
Total.....	\$535,000	

FOR THE STATE NORMAL SCHOOL AT ELLENSBURG.

Maintenance, repairs, salaries, buildings and purchase of land (from normal school current fund until exhausted; balance from general fund).....	\$110,000	Ellensburg normal.
--	-----------	--------------------

FOR THE STATE NORMAL SCHOOL AT BELLINGHAM.

Maintenance, equipment, improvements, etc.	\$135,000	Bellingham normal.
---	-----------	--------------------

FOR THE STATE NORMAL SCHOOL AT CHENEY.

Cheney normal.	Maintenance, equipment, improvements, etc.	\$125,000
----------------	---	-----------

FOR THE STATE BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Inspection bureau.	Salary of three members	\$15,000
	Clerk hire	4,400
	Office and traveling expenses; per diem and railroad expenses when used to assist or inspect state institutions	6,000
	Total	\$25,400

FOR THE CAPITOL BUILDING AND GROUNDS.

Capitol building and grounds.	Maintenance	\$32,000
	Sidewalks, improvements, etc.	11,000
	Total	\$43,000

FOR GOVERNOR'S MANSION.

To be expended under the direction of the State Building Commission, as provided in chapter 49 of the Session Laws of 1907.

Governor's mansion.	Maintenance	\$4,000
	Furnishings and improvements	5,500
	Construction of sidewalks	1,374
	Total	\$10,874

FOR WASHINGTON STATE FAIR.

State fair.	Maintenance, repairs and other expenses	\$30,000
-------------	---	----------

FOR SOUTHWEST WASHINGTON FAIR.

Southwest fair.	Maintenance, repairs and other expenses	\$15,000
-----------------	---	----------

TO PAY JUDGMENTS AGAINST THE STATE OF WASHINGTON.

Judgments.	Jama Arata	\$228 84
	Hattie Lawson	41 81
	John Stokes	108 62
	C. C. Dalton	525 50
	Fred Peacock	314 42
	John E. Stixrud	90 52
	Total	\$1,309 71

FOR THE STATE BOARD OF EQUALIZATION.

Board of Equalization.	Expenses of board	\$400 00
------------------------	-------------------------	----------

FOR THE PAYMENT OF DEFICIENCIES.

Bounties on wild animals	\$25,000 00	Deficiencies.
Cost bills	6,000 00	
Salaries of judges pro tem.	100 00	
Salaries of judges of the supreme court	830 58	
	<hr/>	
Total	\$31,930 58	

FOR PUBLIC PRINTING.

For printing for state offices and institutions, for work done between April 1, 1911, and March 31, 1913, to be paid for upon requisitions and vouchers duly approved by the officer designated in the laws relating to public printing: *Provided*, That not more than one hundred copies of any annual or biennial report shall be bound in full cloth or leather or any binding except pamphlet binding, for the state offices and institutions and for no other purpose, as follows:

Attorney General	\$2,650	Printing.
Traveling Library	400	
Labor Commissioner	2,000	
Governor	1,000	
Secretary of state.....	6,000	
Insurance commissioner	4,000	
State auditor	5,000	
State treasurer	1,500	
Land commissioner	8,000	
Superintendent of public instruction.....	8,000	
Adjutant general	1,000	
State librarian	1,500	
Supreme court	2,600	
Fish commissioner	800	
Dairy and food commissioner	500	
Highway commissioner	1,500	
Oil inspector	200	
State board of health.....	3,000	
Tax commissioner	3,000	
Railroad commission	3,260	
Fire warden	1,000	
Bank examiner	1,500	
Horticultural commissioner	1,500	
State board of equalization.....	450	
State veterinarian	200	
Coal mine inspector.....	500	
Law library	600	
State historical society.....	100	
Board of control and institutions.....	7,500	

Bureau of inspection and supervision of public offices..	\$3,000
Board of finance.....	200
University of Washington.....	3,500
State College	3,500
Cheney Normal	1,500
Ellensburg Normal	1,000
Bellingham Normal	1,500
Hotel inspector	250
Experimental station	1,500
House and Senate journals and Session Laws.....	13,000
Bureau of Immigration and Statistics.....	3,000
Total.....	\$101,210

SPECIAL IMPROVEMENT GRADE TAX ON STATE LANDS.

Local im-
provements.

School section 16, Spokane.....	\$5,449 57
University lands, Seattle.....	5,154 78
Queen Anne addition, Seattle.....	834 25
Part of Lawton estate.....	236 92
Lake Union shore lands, Seattle.....	328 34
State Normal, Bellingham.....	162 04
School lands, Yakima county.....	17 42
School lands, Stevens county.....	122 40
School lands, Skagit county.....	1,608 78
State Normal, Ellensburg	1,648 08
State armory, Seattle (from the military fund).....	4,602 95
State armory, Spokane (from the military fund).....	1,427 59
State armory, Tacoma (from the military fund).....	2,384 68
Total.....	\$23,977 80

FOR MISCELLANEOUS PURPOSES.

Miscel-
laneous.

Florence Crittenden Home, Seattle.....	\$3,000 00
Florence Crittenden Home, Spokane.....	3,000 00
White Shield Home, Tacoma.....	3,000 00
State Historical Society.....	6,000 00
Salary of chaplain at penitentiary.....	2,400 00
Cost bills on conviction of felonies.....	40,000 00
Care of graves of Spanish-American war veterans' graves in Olympia cemetery at \$72 per year.....	144 00
Interest on A.-Y.-P. warrants.....	44,590 63
Interest on State of Washington 15 year 3% bonds...	21,632 52
Interest on capitol warrants.....	48,775 53
Bounties on wild animals.....	25,000 00
Interest on permanent school fund bonds.....	74,250 00
Transportation of convicts, insane and others.....	65,000 00
Indexing Senate Journal.....	300 00
Indexing House Journal	\$300 00
Publishing of Washington Reports.....	5,000 00
Relief of C. E. Shepard as uniform law commissioner.	210 94

Relief of P. M. Troy and J. B. Murphy as members of the bar examination board.....	\$40 40
For topographic and hydrographic surveys (conditioned upon a similar sum being expended by the U. S. Geological Survey)	37,500 00
For geological surveys.....	20,000 00
Total.....	\$400,144 02

Passed the House February 25, 1911.

Passed the Senate February 27, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 45.

[S. B. 153.]

CONTINUING LAKE WASHINGTON CANAL APPROPRIATION.

AN ACT appropriating the sum of one hundred eighty-six thousand three hundred twenty and 75-100 dollars from the State Shore Land Improvement Fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter two hundred and eighteen of the laws of nineteen hundred and nine), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington.

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

SECTION 1. That the sum of one hundred eighty-six thousand three hundred twenty and 75.100 dollars (being the unexpended balance of the \$250,000.00 set apart and appropriated from the state shore land improvement fund, by chapter 218 of the Session Laws of 1909) be and the same is hereby set apart and appropriated out of said state shore land improvement fund, to be expended in aid of the United States in the construction and improvement of the Lake Washington canal in King county, Washington.

[See § 5032a,
Rem.-Bal.]

Appropriation con-
tinued.

SEC. 2. The appropriation made by section one of this act shall be expended under the direction and supervision of the United States government engineer in charge of said improvement; and the state auditor shall issue his warrants for the payment of the same upon the presentation of proper vouchers, approved by the United States government en-

How ex-
pended.

Vouchers.

How
expended.

gineer in charge: *Provided*, That no warrants shall be issued against said fund unless the voucher covering the same be accompanied by a certificate of said engineer, approved by the commissioner of public lands, to the effect that (as far as all excavation is concerned the cost of which is covered by such voucher) the material excavated has been deposited on shore lands of the university of the state, or other shore lands owned by the State of Washington in Union Bay or Lake Union (if any such shore lands adjoin the place of such excavation) in such places, form and amount as the said commissioner shall have designated: *And provided further*, That in expending the appropriation authorized by this act, so much thereof as arises from the sale of shore lands on Lake Washington shall be applied to such work as will tend to secure increased drainage from Lake Washington into Lake Union, and so much of said appropriation as arises from the sale of shore lands on Lake Union shall be applied to such work between Lake Union and Salmon Bay as will provide adequate flowage facilities for the drainage from Lake Washington and will provide navigation facilities from tide water into Lake Union, all of said expenditure to be in accordance with plans to be approved by the United States government engineer and by the commissioner of public lands of the State of Washington.

Special in-
debtedness.

SEC. 3. Indebtedness incurred or warrants issued hereunder shall be payable only from the state shore land improvement fund, and shall never be nor become general indebtedness against the state.

Passed the Senate February 15, 1911.

Passed the House March 8, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 46.

[H. B. 377.]

RELATING TO MISREPRESENTATION OF SECRET SOCIETIES.

AN ACT making it a gross misdemeanor to fraudulently use the name of any fraternal society or any imitation thereof or without authority to solicit membership in such society or any imitation thereof or offering to sell, confer or communicate the secret work or pretended secret work of such society, or upon false representations as to membership therein to seek or obtain admission to any such society or lodge thereof, or to falsely claim membership in any such society or lodge.

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

SECTION 1. Any person, firm, association, society, order or organization or any officer, agent, representative or employe thereof, or person acting or pretending to act on behalf thereof who in a newspaper or other publication published in this state, or in any letter, writing, circular, paper, pamphlet or other writing or printed notice, matter or device without authority of the grand lodge hereinafter mentioned, fraudulently uses, or in any manner directly or indirectly aids in the use of the name or title of any secret fraternal association, society, order or organization which has had a grand lodge in this state for five (5) years, or any secret fraternal association, society, order or organization having as a necessary qualification to membership, membership in a secret fraternal society, order or organization under the jurisdiction of said grand lodge, or any imitation of such name or title or any name or title so nearly resembling it as to be calculated to deceive, or without such authority publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet or other written or printed notice, matter or device, or by word of mouth, directly or indirectly advertising for or soliciting members or applications for membership in such secret fraternal association, society, order or organization using or designated or claimed to be known by such title or imitation or resemblance thereof or who offers to sell or

Fraudulent
use of name.

Similarity
of title.

Secret work. to confer or to communicate or to give information directly or indirectly where, how, of whom, or by what means any alleged or pretended secret work or any alleged or pretended secrets of such secret fraternal association, society, order or organization or of any alleged or pretended association, society, order or organization designated or claimed to be known by such title or imitation or resemblance thereof can or may be obtained, conferred or communicated, or any person who falsely represents himself to be a member of any such secret fraternal association, society, order or organization or any person who upon false representations as to membership therein seeks or obtains admission into any such secret fraternal association, society, order or organization shall be guilty of a gross misdemeanor.

Penalty.

Passed the House February 28, 1911.

Passed the Senate March 9, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 47.

[H. B. 554.]

FIXING SALARY OF HIGHWAY COMMISSIONER.

AN ACT to amend section 1 of an act entitled, "An act to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled 'An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7, and 8 of chapter 174, Session Laws of 1905,' and declaring an emergency," approved March 17, 1909.

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

SECTION 1. That section 1 of an act entitled, "To amend section 1 of an act entitled, 'An act to amend chapter 149, Laws of Washington, approved March 12, 1907,

entitled, 'An act creating a state highway board and the office of the state highway commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905, approved March 13, 1905, and declaring an emergency,' and declaring an emergency," approved March 17, 1909, be amended to read as follows:

Section 1. There is hereby created the office of state highway commissioner and a state highway board. The said state highway commissioner shall be appointed by the governor and shall hold his office for four years unless sooner removed for cause; and shall receive an annual compensation of \$5,000, a year, and shall be allowed his actual traveling expenses while officially employed, and shall be allowed his office expenses.

[Amending
§ 5867,
Rem.-Bal.]

Salary of
highway com-
missioner.

He shall take oath of office and shall give a bond in the sum of \$10,000, conditioned for the faithful performance of his duties; the said highway board shall be composed of the governor, state auditor, the state treasurer, the state highway commissioner and a member of the railroad commission of Washington, to be named by the governor. Each shall be allowed his actual traveling expenses while engaged in official duties as member of such highway board.

Oath and
bond.

Passed the House March 4, 1911.

Passed the Senate March 8, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 48.

[H. B. 236.]

RELATING TO ADMISSION OF ATTORNEYS.

AN ACT relating to attorneys and counsellors-at-law, amending sections 4, 5 and 6 of chapter 139, Laws of 1909, and declaring an emergency.

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

[Amending
§ 123,
Rem.-Bal.]

SECTION 1. That section 4 of an act entitled "An act relating to attorneys and counsellors at law, approved March 15th, 1909," be, and the same is hereby, amended to read as follows:

Examination.

Section 4. Examinations for admission to the bar shall be held at the state capitol on the first Thursday and Friday after the second Monday in January, May and October, of each year, and shall be both oral and written as to the applicant's knowledge of law, general learning, fitness and qualifications. Nor shall any such applicant be examined unless he shall have filed with the clerk of the supreme court, two months before such examination, a statement in which the time he commenced the study of law is set forth: *Provided*, The time he applies for admission is at least two years after the time named in such statement. Every applicant shall also present an affidavit by some member of the bar of the supreme court, or a certificate from the dean or head of some law school of approved standing, to the effect that such applicant has regularly and attentively studied law under the direction of the affiant or dean or head of such law school as the case may be, for a period of two years: *Provided*, That thirty-five full weeks of study in a law school in any one year shall be equivalent to a year's study.

Notice.

[Amending
§ 124,
Rem.-Bal.]

Rules for
admission.

SEC. 2. That section 5 of chapter 139, Laws of 1909, be amended to read as follows: Section 5. The supreme court shall make such other rules as may be necessary for the admission of applicants to practice law, and for the purpose of conducting the examination of applicants, shall

appoint a board consisting of three lawyers, who shall severally hold their office for a term of three years unless sooner removed by the court: *Provided, however,* That the first appointments after the taking effect of this act shall be one member to be appointed for one year, one for two years and one for three years, and thereafter each member shall be appointed for a term of three years, except to fill a vacancy not caused by the expiration of a term. No person shall be eligible as a member of such board unless he shall have been a member in good standing of the bar of the supreme court of this state for not less than five years immediately preceding his appointment, and no person shall be eligible to succeed himself on such board. Each member of said board shall be allowed ten dollars (\$10.00) per day for each day actually spent in the performance of his duties, and five cents per mile for each mile actually and necessarily travelled in going to and returning from attendance on the court to conduct such examinations. The person having the shortest term to serve on said board shall be chairman thereof, and the clerk of the supreme court shall act as secretary thereof and shall keep the records, files and correspondence of the board. The board of examiners shall meet not later than two days before an examination is to be held to prepare the questions to be answered in writing by the applicants, which questions when prepared shall be kept in a sealed envelope or package and free from inspection in the office of the clerk of the supreme court until required for such examination, and, after the completion of such examination, said questions shall be made public.

Board of examiners.

Salary.

Clerk.

Meetings of board.

SEC. 3. That section 6 of chapter 139, Laws of 1909, be amended to read as follows: Section 6. Every person before being admitted to practice law in this state shall take and subscribe the following oath:

[Amending § 125, Rem.-Bal.]

I do solemnly swear:

1. I will support the constitution of the United States and the constitution and laws of the State of Washington;
2. I will maintain the respect due to courts of justice and judicial officers;

Oath.

3. I will not counsel or maintain any suit or proceedings which shall appear to me to be illegal and unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

4. I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by an artifice or false statement of facts or law;

5. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval;

6. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a fellow attorney, party or witness, unless required by the justice of the cause with which I am charged;

7. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.

Emergency.

SEC. 4. An emergency is hereby declared to exist and this act shall take effect immediately.

Passed the House February 10, 1911.

Passed the Senate February 28, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 49.

[S. S. B. 6.]

INSURANCE CODE.

AN ACT to provide an Insurance Code for the State of Washington, to regulate the organization and government of insurance companies and insurance business, to provide penalties for the violation of the provisions of this act, to provide for an Insurance Commissioner and define his duties, and to repeal all existing laws in relation thereto. [Repealing all former acts.]

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

ARTICLE 1.

GENERAL PROVISIONS.

SECTION 1. *Insurance Defined.*

Within the intent of this act the business of apportioning and distributing losses arising from specified causes among all those who apply and are accepted to receive the benefits of such service, is public in character and requires that all those having to do with it shall at all times be actuated by good faith in everything pertaining thereto; shall abstain from deceptive or misleading practices, and shall keep, observe, and practice the principles of law and equity in all matters pertaining to such business. Upon the insurer, the insured, and their representatives shall rest the burden of maintaining proper practices in said business. Defining insurance.

Insurance is a contract whereby one party called the "insurer," for a consideration, undertakes to pay money or its equivalent, or to do an act valuable to another party called the "insured," or to his "beneficiary," upon the happening of the hazard or peril insured against, whereby the party insured or his beneficiary suffers loss or injury.

SEC. 2. *Terms Defined.*

The terms "company," "corporation," or "insurance company" or "insurance corporation," in this act, unless the context otherwise requires, includes all corporations, associations, partnerships, or individuals engaged as insurers in the business of insurance.

Defining
terms .

“Domestic” designates those companies incorporated or formed in this state. “Foreign” designates those companies incorporated or formed under the laws of the United States or any other state in the United States, and “Alien” designates those companies incorporated or formed under the laws of any country other than the United States.

“Admitted Company” designates companies duly qualified and licensed to transact business under the provisions of this act. “Non-Admitted Companies” designates companies not licensed to transact business in this state under the provisions of this act.

Commis-
sioner.

“Commissioner” or “Insurance Commissioner,” where used in this act, shall mean the “State Insurance Commissioner.”

“Unearned Premiums,” and “Net Value of Policies,” severally means the liability of an insurance company upon its insurance contracts, other than accrued claims, computed by rules of valuation established by this act.

Net assets.

“Net Assets” means the property and funds of an insurance company available for the payment of its obligations; including uncollected premiums not more than three months past due on policies actually in force, and including in the case of a mutual company, its premiums, premium notes, and contingent liability of its policy holders, after deducting from such funds all unpaid losses and claims and all other debts and liabilities except capital.

“Profits” of a mutual insurance company means that portion of its cash funds not required for payment of losses and expenses, nor set apart for any purpose allowed by law.

Agent.

“Agent” or “Insurance Agent” is a person, co-partnership, corporation, attorney, board or committee duly appointed and authorized by an insurance company, to solicit applications for insurance to be known as a soliciting agent, or to solicit applications and effect insurance in the name of the company, to be known as a recording or policy writing agent, and to discharge such other duties as may be vested in or required of the agent by the company.

“Solicitor” or “Insurance Solicitor” is a person duly appointed, authorized and employed by a duly commissioned agent to solicit, receive, and forward applications for insurance and to collect premiums for the agent. Solicitor.

“Broker” or “Insurance Broker” is any person, co-partnership or corporation, who, for compensation, not being an appointed agent for the company in which insurance or re-insurance is effected, acts or aids in any manner in negotiating contracts of insurance or re-insurance or placing risks or effecting insurance or re-insurance for a party other than himself or itself. Broker.

“Adjuster” or “Insurance Adjuster” is a person, co-partnership or corporation who undertakes to ascertain and report the actual loss or damage to the subject-matter of the insurance due to the hazard or peril insured against. Adjuster.

“Surveyor” or “Insurance Surveyor” is a person, committee, board, bureau, co-partnership, or corporation resident within the state, who, in person or by deputy, inspects and surveys the various municipalities and fire hazards in this state, and the means and facilities for preventing, confining and extinguishing fires, and for the purpose of estimating fair and equitable rates for insurance; who furnishes to municipalities and owners of property information and advice as to the measures to be adopted for the reduction of fire hazards on property in this state and lessening the cost of insurance thereon; and, as relating to marine insurance, who inspects vessels and reports on their seaworthiness. Surveyor.

“Director” within the intent of this act means trustee. Director.

“Insurable Interest” is every interest in property, or any relation thereto, or liability in respect thereof, of such a nature that a contemplated peril might directly damnify the insured. “Insurable Interest” in the matter of life and health insurance exists when the beneficiary, because of relationship, either pecuniary or from ties of blood or marriage, has reason to expect some benefit from the continuance of the life of the insured.

Bottomry.

“Bottomry” is a contract by which a ship or freight is hypothecated as security for a loan which is to be repaid only in case the ship survives a particular risk, voyage or period.

“Double Insurance” exists where the same party is insured by several insurers separately, in respect to the same subject and interest.

“Over Insurance” exists where a party having an insurable interest in property has insurance thereon against the same hazard or peril in excess of the actual value of his interest therein.

“Re-Insurance” means a contract by which an insurer procures a third party to insure it against loss or liability by reason of such original insurance.

SEC. 3. *State Insurance Commissioner.*

Commissioner
elected.

There shall be an insurance commissioner of this state, who shall be elected at the same time and in the same manner as other state officers are elected. The insurance commissioner in office at the time of the taking effect of this act shall continue as such insurance commissioner until the expiration of the term for which he was elected and until his successor is duly elected and qualified.

SEC. 4. *Term of Office—Salary.*

Salary.

The term of office of the state insurance commissioner shall begin on the second Monday in January next after he is elected. The state insurance commissioner shall receive a salary of three thousand dollars per year, which shall be in full for all services performed by him.

SEC. 5. *Bond.*

The state insurance commissioner shall have his office at the state capitol; and before entering upon his duties shall execute a bond to the state in the sum of twenty-five thousand dollars, to be approved by the state treasurer and the attorney general, conditioned upon the faithful performance of the duties of his office, and he shall take and subscribe the oath of office as required by law. His bond, upon its approval, together with his oath of office, shall be filed in the office of the secretary of state.

SEC. 6. *Deputy Commissioner—Actuary—Examiner—Salaries.*

The state insurance commissioner may appoint a deputy insurance commissioner, who shall take and subscribe the same oath of office as the state insurance commissioner, which oath shall be endorsed upon the certificate of his appointment and filed in the office of the secretary of state. Said appointment may be revoked at the will of the commissioner, who shall be held responsible for all official acts of his said deputy. The deputy insurance commissioner shall receive a salary of two thousand four hundred dollars per year. The commissioner may also appoint an actuary or examiner, who shall receive a salary of two thousand dollars per year. The commissioner may employ a chief clerk at a salary of not two exceed twelve hundred dollars per year, a stenographer at a salary not to exceed seventy-five dollars per month, and such additional clerks and stenographers as the public business in his office may require, at an expense not exceeding the amount appropriated by the legislature.

Commis-
sioner ap-
points.

Neither the commissioner nor any deputy, nor any employee in his office, shall be directly or indirectly interested in any insurance company, except as an ordinary policy holder.

SEC. 7. *Certificate of Authority—License—Examination.*

The commissioner shall see that all laws respecting insurance companies are faithfully executed. He shall issue all certificates and licenses under the seal of his office provided for by the terms of this act. Before granting certificates of authority to any insurance company to issue policies or make contracts of insurance in this state, the commissioner shall be satisfied by such examination as he may make, or such evidence as he may require, that such company is otherwise duly qualified under the laws of this state to transact business herein. He shall require every domestic insurance company to keep its books, records, accounts and vouchers in such manner that he or his authorized representatives may readily verify its annual state-

Issues cer-
tificates.

Require-
ments.

ments and ascertain whether the company is solvent and has complied with the provisions of law.

Inspection.

At least once each year, and whenever he determines it to be prudent to do so, he shall personally or by his deputy or examiner visit the home office of each domestic insurance company transacting insurance business and thoroughly inspect and examine its affairs to ascertain its true financial condition, its ability to meet and fulfill its obligations; whether it has complied with the provisions of law; and all other facts that he may require relating to its business methods and management, and its dealings with its policy holders. Whenever he deems it advisable he shall cause a complete audit of the books and accounts of the company to be made by a disinterested expert accountant.

Access to books.

When he determines it to be prudent for the protection of policy holders in this state, he shall in like manner visit and examine or cause to be visited and examined by some competent person or persons whom he may appoint for that purpose, any insurance company incorporated or organized in any other state, territory, district, or country, applying for admission or already admitted to do business in this state. For the purpose aforesaid, the commissioner, his deputy, or examiner making the examination shall have free access to all the books, records, accounts, vouchers, papers and files of an insurance company which relate to its business, and to books, records, accounts, vouchers, papers, and files kept by any of its agents, and for any of said purposes the commissioner, his deputy, or examiner conducting such investigation and examination shall have power to subpoena and administer the oath to, and examine as witnesses, the trustees, directors, officers, agents, servants and employees of any such company and any other persons relative to its affairs, transactions and conditions. Said subpoena shall have the same force and effect and shall be served in the same manner as if issued from a court of record. Any person who shall fail, neglect, or refuse to obey such subpoena, or, having obeyed such subpoena, shall refuse to be examined as a witness and give evidence con-

Failure to comply.

cerning any and all matters relating to such investigation when so required, shall be liable to the same penalties as though such subpoena had been issued by, or such person had refused to give evidence in, a court having jurisdiction in equity and common law. Whenever any person shall fail, refuse or neglect to obey such subpoena, or shall refuse to give evidence concerning any and all matters pertaining to such investigation or examination, the commissioner, his deputy, or examiner having charge of such investigation or examination may forthwith report in writing such disobedience, and file such report and such subpoena with proof of service thereof in a court having said jurisdiction in session in the county where such investigation is being had, and if no court is in session, then with any judge of such court; thereupon such court or judge shall forthwith cause such person so subpoenaed or refusing to give evidence in such investigation to be brought before such court or judge, and such court or judge shall thereupon administer and impose like terms and penalties as though such person had been subpoenaed or had refused to testify or give evidence in any proceedings before such court.

File proof
of service.

Witness fees and mileage, if claimed, shall be allowed the same as to witnesses testifying in court, which witness fees and mileage with the actual expense, if any, necessarily incurred in securing the attendance of witnesses and their testimony, shall be itemized and charged against and be paid by the company so being examined. Every person shall be obliged to attend as a witness at the place of such investigation or examination when subpoenaed anywhere within this state.

Witness
fees and
mileage.

SEC. 8. *Revocation of Certificate or License—Court Review.*

If the commissioner is of the opinion upon examination or other evidence that any insurance company is in an unsound condition, or that it has failed to comply with the law or with the provisions of its charter or articles of incorporation or association, or that its condition is such as

Commis-
sioner may
revoke
authority.

to render its proceedings hazardous to the public or to its policy holders, or that its actual assets exclusive of its capital are less than its liabilities, or if its trustees, directors, officers, or agents refuse to submit to examination or to produce its books, records, accounts, and papers in its or their possession or control relating to its business or affairs, for examination and inspection of the commissioner, his deputy or examiner, when required, or shall refuse to perform any legal obligation relative to such examination, the commissioner shall revoke or suspend all certificates of authority and licenses granted to such insurance company, its officers or agents, and shall cause notice thereof to be given to such company and to each agent of such company in this state, and no new business shall thereafter be done by such company or for such company by its agents, in this state, while such revocation, suspension, or disability continues, nor until its authority to do business is restored by the commissioner.

Unless ground for revocation or suspension relates only to the financial condition or soundness of the company or to the deficiency in its assets, the commissioner shall notify such company not less than ten days before revoking its authority to do business in this state; and he shall specify in such notice the particulars of the alleged violation of law or of its charter or articles of incorporation or association, or grounds for revocation. The superior court, upon petition of such company, brought within twenty days, shall summarily hear and determine the question whether such violation has been committed, or whether it is solvent or in an unsound condition or has exceeded its powers or has failed to comply with any provisions of the law or of its charter or articles of incorporation or association, or that its condition is such as to render its further proceedings hazardous to the public and to its policy holders, and the court upon such hearing and determination shall make and enter such order or decree as may be proper in the premises. If the order or decree be adverse to the petitioning company and an appeal therefrom is

Notify ten
days prior.

Condition
hazardous.

taken to the supreme court, such appeal shall be advanced upon the trial calendar of the supreme court and be heard at as early a date as it can conveniently be tried. In the case of such appeal, the commissioner may revoke the right of said petitioning company to do business in this state until the final determination of the appeal by the supreme court.

SEC. 9. *Impairment—Notice and Requisition.*

Whenever it appears to the commissioner from any showing or statement made to him or from any examination made by him, his deputy, or examiner, that the capital stock of any domestic insurance company is impaired, or that its assets are insufficient to justify its continuance in business, he shall at once determine the amount of such impairment or deficiency and thereupon issue his written notice and requisition to the company to require its stockholders to make good the amount of the impairment or deficiency with cash or investments authorized by this act, or reduction of its capital stock, not below statutory requirements, within ninety days from the service of the notice and requisition. If the amount of any such impairment or deficiency shall not be made good within the time specified in such notice and requisition and proof thereof filed in the office of the commissioner, the company shall be deemed insolvent and shall be proceeded against as an insolvent company by the attorney general in the manner authorized by this act. If the capital stock of any foreign or alien insurance company doing business in this state is found so impaired, the commissioner shall revoke the certificate of authority issued to such company and licenses issued to its agents, and shall give due notice thereof to such company and each of its agents, and thereupon such company and its agents shall discontinue the issuing of any new policies or contracts of insurance within this state.

Capital
stock
impaired.

Discontinue.

SEC. 10. *Impairment—Mutual Company—Notice and Requisition—Director's Liability.*

Whenever it appears to the commissioner from any statement or showing made to him or from an examination made

by him, his deputy, or examiner, that the assets and resources of any mutual insurance company are insufficient to justify its continuance in business, he shall promptly determine the amount of such deficiency and thereupon issue his written notice and requisition to the trustees, directors and officers of such company requiring them to make good the amount of such deficiency within ninety days from the service of such notice and requisition. Such notice and requisition may be served by registered letter having affixed proper postage and directed to the company at its principal place of business in this state specified in its articles of incorporation or association. Upon the service of such notice and requisition, the trustees, directors and officers of such company shall forthwith cause such deficiency to be made good, and proof to be filed in the office of the commissioner within the time specified in the notice and requisition that the same has been made good.

Call for deficiency.

For any losses accruing upon new risks taken after the expiration of such time, and before such deficiency shall have been made good, the trustees, directors and officers of the company shall jointly and severally be personally liable therefor. If such deficiency shall not be made good within the time specified in said notice and requisition and satisfactory proof thereof filed with the commissioner, he shall revoke the certificate of authority issued to such company and the license issued to each agent of said company and shall give due notice thereof by registered mail to such company and to each of its agents, and such company shall be deemed insolvent and may be proceeded against by the attorney general as an insolvent corporation in the manner authorized by this act.

Liability.

Insolvent.

SEC. 11. *Delinquent Insurance Company—Proceedings—Liquidation.*

This section shall apply to all domestic companies, societies and orders to which any article of this act is applicable, and the word "company" as herein used shall also include all such associations, societies and orders.

Application.

(1) Whenever any such company is insolvent; or has refused to submit its books, papers, accounts or affairs to the reasonable inspection and examination of the commissioner, his deputy, or examiner; or has neglected or refused to observe an order of the commissioner to make good within the time prescribed by law, any deficiency, whenever the capital of a stock company, or the reserve or assets of a mutual company, shall have become impaired; or it has by contract of re-insurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of any other company without first having obtained the written approval of the commissioner; or if found, after an examination, to be in such condition that its further transaction of business would be hazardous to its policy holders, or to its creditors, or to its stockholders, or to the public; or has wilfully violated its articles of incorporation or association or any law of the state; or whenever any trustee, director, manager, or officer thereof has refused to be examined under oath touching its affairs, the commissioner may, the attorney general representing him, apply to the superior court or any judge thereof, in the county or judicial district in which the principal office of such company is located, for an order directing such company to show cause why the commissioner should not take possession of its property, records and effects and conduct or close its business, and for such other relief as the nature of the case and the interest of its policy holders, creditors, stockholders or the public may require.

Approval
of com-
missioner.

(2) On such application, or at any time thereafter, such court or judge may, in its discretion issue an order restraining such company from the transaction of its business or disposition of its property, records and effects until the further order of the court. On the return of such order to show cause, and after a full hearing, the court shall either deny the application or direct the commissioner

Restraining
order.

forthwith to take possession of the property, records and effects, and conduct the business of such company and retain such possession and conduct the business until, on the application of the commissioner, the attorney general representing him, or of such company, it shall, after a like hearing, appear to the court that the cause for such order directing the commissioner to take possession has been removed and that the company can properly resume possession of its property, records, and effects, and the conduct of the business.

(3) If, on a like application and order to show cause, and after a full hearing, the court shall order the liquidation of the business of such company, such liquidation shall be made by and under the direction of the commissioner, who may deal with the property, records, effects and business of such company in his own name as commissioner, or in the name of the company as the court may direct, and he shall be vested by the operation of law with title to all the property, effects, contracts, and rights of action of such company as of the date of the order so directing him to liquidate. The filing or recording of such order in the office of the auditor in any county where property is located in the state shall impart the same notice that a deed, bill of sale, or other evidence of title duly filed or recorded by such company would have imparted.

File order
with auditor.

(4) For the purpose of this section, the commissioner shall have power to appoint, under his hand and official seal, one or more special deputy commissioners, as his assistant or assistants, and to employ such counsel, clerk and other assistants as may by him be deemed necessary, and give each of such persons such powers to assist him as he may consider proper. The compensation of such special deputy commissioners, counsel, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating any such company shall be fixed by the commissioner, subject to the approval of the court, and shall, on certificate of the commissioner, be paid out of the funds or assets of such company.

Deputy
commis-
sioners.

(5) For the purpose of this section, the commissioner shall have power, subject to the approval of the court, to make and prescribe such rules and regulations as to him shall seem proper.

(6) The commissioner shall transmit to the legislature, in his annual report, the names of the companies so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policy holders, creditors, stockholders and the public with his proceedings under this section; and, to that end, the special deputy commissioner in charge of any such company shall file annually with the commissioner a report of the affairs of such company.

Report to legislature.

(7) At any time after the court shall order the liquidation of the business of any such company, as provided in paragraph three of this section, the commissioner may apply for the dissolution of such company, and the same, after due notice and hearing and such other procedure as to the court shall seem proper, shall be dissolved.

Dissolution.

SEC. 12. *Increase or Decrease of Capital.*

The commissioner shall in person, or by his deputy, or examiner, examine the proceedings of every domestic insurance company to increase or reduce its capital stock, or to change its articles of incorporation or association, and, if found conformable to law, shall issue certificate of authority to such company to transact business upon such increased or reduced capital, or change in its articles of incorporation or association.

SEC. 13. *Foreign or Alien Company—Appointment of Attorney—Service of Process.*

The commissioner shall not issue a certificate of authority to transact any business of insurance in this state to any foreign or alien insurance company until it has executed and filed in his office a written appointment of the insurance commissioner to be the true and lawful attorney of such company in and for this state, upon whom all lawful process in any action or proceedings against such company commenced in any county in this state may be served

Must appoint agent.

with the same effect as if it were a domestic company having its principal office in such county. The service upon such attorney shall thereafter be deemed service upon the company.

Service of process against any such insurance company may be had by serving duplicate copies upon the commissioner through the mail by a registered letter, or by an officer or person competent to serve a summons. Upon such service being made, the commissioner shall forthwith mail one of such duplicate copies of such process to such company at its home office or general agency, or in the case of an alien company, to the resident manager, if any, in this country.

Fee two
dollars.

In all cases of service of process against such insurance company by serving its said attorney, the commissioner shall collect two dollars, which shall be paid by the plaintiff at the time of such service, the same to be recovered by plaintiff as part of the taxable cost if he prevail in the suit.

The commissioner shall keep a record of all such processes which shall show the day and hour of service: *Provided*, That in such case no proceedings shall be had within forty days after the date of such service upon the commissioner.

SEC. 13 $\frac{1}{2}$. *Venue of Action on Insurance Policy.*

Service
upon whom.

Any insurance company may be sued upon a policy of insurance in any county within this state where the cause of action arose, by serving the summons and a copy of the complaint upon the company, if a domestic company, or upon the commissioner, as attorney in fact of the company, if an alien or foreign company, or upon any duly licensed agent of the company residing in the county where the cause of action arose.

SEC. 14. *Annual Statement Blanks.*

The commissioner shall annually, in December, furnish to each insurance company authorized to do business in this state, two or more blank forms on which to make its annual statement.

SEC. 15. *Records of Commissioner—Certified Copy—Evidence.*

The commissioner shall preserve in a permanent form a record of his proceedings, including a concise statement of the result of all investigations or examinations of insurance companies.

The commissioner shall furnish, when required for evidence in court, certificate under seal of the department relative to the authority of the company, agent or broker to transact business in this state upon any particular date, and such certificates shall be received by the court in lieu of the testimony of the commissioner, his deputy, or chief clerk.

Certified copy furnished.

SEC. 16. *Commissioner's Report—Contents and Printing.*

The commissioner shall transmit to the legislature at the opening of its session, or as early thereafter as is consistent with full and accurate preparation, a report of his official transactions and a report containing in a condensed form statements made to the commissioner by every insurance company authorized to do business in this state pursuant to the provisions of this act, and such statements and reports shall be audited and corrected by him, all arranged in tabular form or in abstracts, which report shall also contain:

Report companies.

(1) A statement of all insurance companies authorized to do business in this state during the year ending the thirty-first day of December next preceding, with their names, locations, amounts of capital, dates of incorporation and of the commencement of business, and kinds of insurance in which they are engaged respectively.

Detail of report.

(2) A statement of the insurance companies whose business has been closed since making his last report and the reasons for closing the same, with the amount of their assets and liabilities so far as the same are known or can be ascertained by him.

(3) The names and compensation of the clerks employed by him and the whole amount, itemized, of the expenses of the department during such period.

(4) Any amendments to this act which in his judgment may be desirable.

In addition to two hundred fifty copies of the insurance report for the use of the legislature, there shall be printed and bound by the state printer the necessary number of copies of such report for the use of the insurance department.

County clerks furnished lists.

The commissioner shall furnish each of the county clerks of this state, quarterly, a certified list of all insurance companies doing business in this state under and by authority of this act, and such certificates shall be posted in the office of the county clerk for the inspection of the public.

The commissioner shall compile and have printed at the expense of the state, all books, blanks, insurance laws in pamphlet form for distribution, and other matters necessary for the proper administration of the department.

SEC. 17. Fees and Licenses.

Fees.

The commissioner shall require in advance the following fees and licenses:

For filing articles of incorporation or charter, or certified copy of articles or charter, by-laws or other record of organization required to be filed in his office.....	\$25.00
For filing amended articles of incorporation or charter, or certified copy thereof.....	10.00
For issuing certificate of authority.....	10.00
For each renewal certificate of authority.....	10.00
For filing annual statement of condition and report of Washington business	20.00
For filing other miscellaneous papers.....	1.00
For copy of papers filed in his office, per folio.....	.20
For certificate under seal.....	1.00
For each agent's license.....	2.00
For each solicitor's license.....	2.00
For each broker's license.....	100.00
For each agent's license for unauthorized companies.....	100.00

and such other fees as may be provided in this act.

Fees paid state treasurer.

All fees so collected shall be paid to the state treasurer, not later than the first business day following the receipt of such fees, and be placed to the credit of the general fund.

All agents', solicitors' and brokers' licenses to be transferable upon approval of the commissioner. Licenses is-

sued to copartnerships or corporations to act as insurance agents or brokers shall permit each member of the copartnership or officer of the corporation to solicit or effect insurance, and the names of such members or officers shall be specified and appear in the license. Licenses.

SEC. 18. *Application of General Laws.*

The general provisions of law relating to the powers, duties and liabilities of corporations shall apply to all incorporated insurance companies, so far as such provisions are pertinent to and not in conflict with other provisions of law relating to such companies.

SEC. 19. *Name of Company to Appear on Policy.*

Every insurance company shall conduct its business in this state in its own name, and the policies and contracts of insurance issued by it shall be headed or entitled by such name: *Provided*, That this limitation shall not apply to any insurance company admitted to this state and issuing an underwriter's policy, prior to January 1, 1911; two or more companies may jointly issue an underwriters' policy upon which must appear the names of the companies guaranteeing the same and such companies shall be jointly and severally liable thereon. Name on policies.

SEC. 20. *Companies—Agent—Broker—Surveyor—Adjuster—Governed.*

All domestic insurance companies, now or hereafter formed under the laws of this state, and every insurance agent, solicitor, broker, surveyor, or adjuster, doing business in this state, and all insurance business transacted in whole or in part within or outside of this state, the subject matter of which insurance is located wholly or in part in this state, and any marine insurance made, effected, or placed by any company through any agent or broker in this state, unless otherwise provided, shall be subject to and be governed by this act; and the records of each insurance company, agent, solicitor, broker, surveyor or adjuster doing business in this state shall be subject to the inspection and examination of the commissioner, his deputy, or examiner. Application of act.

SEC. 21. *Preliminary Requirements—Papers to Be Filed.*

Every insurance company before engaging in the business of insurance in this state must file in the office of the insurance commissioner a legally authenticated duplicate or copy of its charter, articles of incorporation or association, or record of its organization and by-laws, as follows:

First. If a domestic company, a copy of its articles of incorporation or association, together with any amendments or alterations made therein.

Second. If a foreign or alien company, a copy of its articles of incorporation, charter, and by-laws, including all amendments or alterations made therein, with a certificate duly certified by the officer having custody of such articles or charter, under his seal of office, that such company is duly authorized under the laws of such state or country to do business therein, and a certificate showing the amount of capital stock and assets as required by this act.

Third. If not incorporated under the laws of this or any other state or country, a copy of the record of its organization, and a certificate setting forth the nature and character of the business, the location of the principal office, the name and address of persons composing the company, the amount of the capital therein employed, and the names and addresses of the officers of the company, and if such company be formed outside of the United States, the certificate must contain the name of the chief executive officer or manager in the United States, together with the trustees or directors appointed by the company to manage its affairs in the United States, and the certificates may be made by such manager: *Provided, further,* That such company must furnish a legally authenticated copy of the laws of the country of its organization applicable to its business and affairs, which laws shall be filed in the office of the insurance commissioner, and a certified copy thereof, under the seal of the commissioner, may be re-

Must file duplicate.

Certified copy of charter.

Requirements.

ceived in evidence in any cause or proceeding had in the courts of the state.

SEC. 22. Capital and Assets Required — Deposits — Alien Company.

Every insurance company, except ocean marine insurance, before transacting any business of insurance in this state, must own, have and possess in its own exclusive name and right, paid-up, unimpaired capital, if a stock company; or must own, have and possess, in its own exclusive name and right, net assets unimpaired, of the kind required by this act, if it be a mutual company, fully equal to the minimum amount of capital paid up in cash or assets required by the provisions of this act to entitle any insurance company to be authorized to transact like business. No part of said capital or assets shall consist of the capital stock, investments, property or assets of any other insurance company or organization, nor shall said capital or assets include any sum or thing of value not acquired, produced, earned, and owned exclusively by such company in its own right: *Provided:*

Capital
required.

First. That each alien insurance company admitted to do business in this state, shall not transact any business of insurance in this state, unless it shall have within the United States deposited with insurance departments, or held in trust as hereinafter provided, not less than two hundred thousand dollars invested in like manner as the capital of a similar domestic insurance company is required to be invested;

Deposit
required.

Second. The capital of such alien insurance company admitted to do business in this state shall, for the purposes of this act, be the aggregate value of such sums or securities as such company shall have on deposit in the department of this state, and of the other states of the United States, for the benefit of policy holders in the United States, excepting therefrom such sums as are held by other states for the special protection of policy holders in such states, and of all bonds and mortgages for money loaned on real estate in this state, or in any state of the

United States, if such loan shall be made in conformity with the laws of such state providing for the incorporation of insurance companies therein and the investment of their capital; and of all other assets and property in the United States, in which insurance companies may invest under provisions of this act, if such bonds and mortgages, assets and property shall be held in the United States by trustees who are citizens of the United States, approved by the commissioner, or deposited with a trust company to be approved by him for the general benefit and security of all its policy holders in the United States; after making the same deductions from such aggregate value for losses, debts, and liabilities, in this and the other states of the United States, and for premiums upon risks therein not yet expired, as is authorized or required by the laws of this state, or the regulation of its insurance department with respect to insurance companies organized under the laws of this state.

Approved by
commis-
sioner.

Third. In addition to the reports required by law of any such alien insurance company, it shall annually, in the month of February, render to the commissioner a detailed statement of the items making up such capital, and the deductions to be made therefrom, signed and verified by the manager and a majority of the trustees, or, if a trust company, by the proper officers thereof, of the company residing in the United States, and the commissioner shall, thereupon, and from such examinations as he may make of the affairs of the company, determine the amount of such capital as of the first day of January, and issue to such company a certificate of the amount of its capital so determined; and, if it shall at any time appear that the net capital for which the last certificate shall be outstanding has been materially reduced, the commissioner may call in such certificate and issue another, reciting such reduced capital: *Provided*, The capital is not reduced below the sum of two hundred thousand dollars:

Annual
report in
February.

Fourth. When any part of its capital is held by trustees or by a trust company, pursuant to the provisions of

this section, such trustees or trust company shall be appointed by the board of managers or directors of such alien insurance company, and a duly certified copy of the vote or resolution creating the trust shall, with a certified copy of such trust deed, be filed in the office of the insurance commissioner; and the commissioner may examine such trustees or the agent or attorney of the company in the same manner as he is authorized by this act to examine the affairs and funds of any domestic insurance company; but the commissioner shall, upon the written request of any such alien insurance company, transfer to trustees duly appointed by it, under the provisions of this section any excess of securities which it shall have deposited with him above the sum of two hundred thousand dollars;

Transfer
to trustees.

Fifth. The deposit required of such company shall be reckoned and considered as the sum of two hundred thousand dollars, which shall be in approved securities, and deposited in the manner authorized by law. The commissioner may also allow such additional deposits as said alien company shall make, but any additional amounts now on deposit, or which may hereafter be deposited, shall be received and held as a voluntary deposit, in trust for all the policy holders of said company in the United States, and any securities in excess of said two hundred thousand dollars as aforesaid shall, on the written request of said company, be transferred to the trustees appointed by said company, as by this section provided: *Provided, further:*

Deposit
in trust.

Sixth. That no alien company, except co-operative life and fraternal beneficiary insurance companies, shall transact any business of insurance in this state, unless, if it transact fire insurance in this state, it has deposited with the proper insurance department or legal custodian of such deposit in this or any other state or states or district of the United States, for the benefit and security of its policy holders in the United States, a sum not less than two hundred thousand dollars, invested as in this act required; or if it transact in this state one or more of the other kinds of insurance business permitted by the pro-

Deposit
\$200,000.

visions of this act to be transacted by any such company, it has deposited with the insurance department or legal custodian for like purposes, such amount as may be required of domestic insurance companies doing the same kind of business. Any alien company authorized to transact the business of fire insurance in this state may be authorized to transact the business of ocean marine insurance: *Provided*, That it has an additional capital of one hundred thousand dollars, and file with the insurance department annually a separate financial statement of each class of business.

SEC. 23. *Authorized Investments.*

Capital
invested.

The capital stock of every domestic insurance company required to have a capital to the extent of the minimum capital required by law, shall be invested and kept invested as follows:

First. In the legally issued bonds, warrants, and securities of the United States, or the District of Columbia, or of any state of the United States, not estimated above their current market value; or,

Kind of in-
vestment.

Second. In the legally issued bonds, warrants, and securities, of any county, incorporated city, or incorporated school district in this state, which has not defaulted in the payment of interest on any of its bonds, warrants, or securities within three years, and which shall not be estimated above their par value, nor their current market value; or,

Third. In the legally issued bonds and mortgages on improved unincumbered real property in this state: *Provided*, That such incumbrance does not exceed fifty per centum of the reasonable cash market value of such real property at the time of said loan; and where buildings or other improvements constitute a material part of the value of the mortgaged premises, they shall be kept insured against loss or damage by fire in a reasonable amount for the benefit of the mortgagee.

Fourth. The capital of every foreign or alien insurance company to the extent of the minimum capital required of a like domestic corporation shall be invested and kept in-

vested in the same class of securities specified for domestic insurance corporations, except that securities of the home state, or country, of such company may be recognized as legal investments for an amount of the minimum capital required by this act.

Fifth. The residue of the capital and the surplus money and funds of every domestic insurance company over and above the amount of the minimum capital and the deposit it is required to make through the office of the insurance commissioner with the state treasurer, may be invested in or loaned on the pledge of any of the securities in which such deposits are required to be invested:

Surplus
invested.

Provided, That the amount loaned on mortgages or improved unincumbered real property does not exceed fifty per centum of the reasonable cash market value of such real property; and, when authorized and directed by a majority vote of all of the directors or trustees of the company, taken and recorded as an aye and nay vote in a board meeting duly called and convened, whereof each director or trustee must be given not less than one day's notice, may be invested in or loaned upon the legally issued bonds or warrants of, or local improvement bonds in any solvent municipal corporation, or in the legally issued bonds or securities of any solvent corporation incorporated under the laws of the United States or of any state thereof: *Provided*, That no investment or loan shall be made in or upon the stocks or bonds of any corporation unless the entire issue of its capital stock has been fully paid in in cash or property actually necessary for its use having a reasonable cash market value fully equal to the amount at which it is accepted by said corporation; and, when so authorized and directed by a majority vote of all of the directors or trustees of the company, may be invested in or loaned upon the legally issued bonds of any solvent irrigation district created as by law provided in this state or in any other state of the United States, whose water rights shall have been legally acquired and finally determined and shall be fully adequate to supply sufficient water to properly ir-

Loaned
on bonds.

rigate all lands within such district, and whose storage reservoirs, canals, ditches, flumes, feeders, machinery, equipment, and other works and improvements shall have been acquired, owned, and constructed and be unincumbered except as to such bond issue, and shall be reasonably adequate to fully supply and properly serve such district, and shall have been so far constructed and completed as to be in regular operation and use and adequately irrigating not less than thirty per centum of the lands within such irrigation district; and, may be loaned on mortgages on improved unincumbered real property in any state in the United States: *Provided*, The amount of such loan does not exceed fifty per centum of the reasonable cash-market value of such real property at the time of such loan, and where buildings constitute a material part of the value of such mortgaged premises, they shall be kept insured against loss or damage by fire, lightning, windstorms and cyclones in a reasonable amount for the benefit of the mortgagee.

Limit
of loan.

The capital and funds of a domestic insurance company shall not be invested in or loaned upon its own stock or the stock of any other insurance company, or the stock of any oil or mining company, or the stock of any fish, fruit, or vegetable canning company, nor shall they be invested in the stock of any corporation whose stockholders may be legally liable in excess of the par value of the stock for assessment to raise funds to pay the indebtedness of such corporation. Neither shall they be invested in or loaned upon the stock of any corporation in which any officer, director, or trustee of such insurance company is a stockholder or has any direct or indirect or contingent interest in such proposed investments or loan; but when authorized by the aye and nay vote of the majority of all the directors or trustees of such insurance company having no such interest, taken and recorded at a board meeting duly called and convened to pass upon such proposed investment or loan, whereof each director or trustee must be given not less than one day's notice, such funds may be loaned to

Limitation
on loans
and in-
vestments.

any officer, director, or trustee of such insurance company or to any company or corporation in which either of them may be interested, upon any other securities authorized by this section.

Sixth. Every domestic company organized to make insurance against loss and damage by reason of defective titles to property or incumbrance thereon, and to guarantee the validity and legality of bonds or other evidence of indebtedness issued by any state, city, county, town, school district, municipality, or by any private or public corporation, or to guarantee or indemnify merchants or others engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers, shall invest its capital and funds not required and permitted by this act to be invested in its plant, in the same kind of securities as the funds of a domestic insurance company are required by this section to be invested.

Relating
to domestic
companies.

Seventh. Every domestic company doing business in other states of the United States or in foreign countries, may invest the funds required to meet its obligations, incurred in such other state or foreign country, and in conformity to the laws thereof, in the same kind of securities of such other state or foreign country that such company is by law allowed to invest in this state.

Foreign
regulations.

Eighth. Any life insurance company may lend a sum not exceeding the legal reserve which it owes, upon any policy upon the pledge to it of said policy and its accumulations as collateral security, but nothing in this section shall be held to authorize one insurance company to obtain by purchase or otherwise, the control of any other insurance company.

Ninth. A domestic insurance company may invest in such real property as shall be requisite for its home offices in the transaction of its business and may rent space therein not immediately required for its own use: *Provided*, That no such investment shall be made that will reduce the amount of the surplus assets, exclusive of such investment, to less than fifty per centum of the minimum capital re-

quired by law, of such company: *Provided, further,* That no such investment shall be made by a domestic mutual insurance company that will reduce the amount of the surplus assets, exclusive of such investment, of such company to less than fifty thousand dollars.

Tenth. No domestic insurance company shall make any investments or loan of its capital, surplus, or reserve to any one person, firm or corporation in excess of ten per centum of the amount of its paid-up capital and surplus, and no loan shall be made for a longer period than one year, which, upon proper showing and security, may be extended not to exceed one year, except that loans upon improved unincumbered real property may be made for any term, not exceeding ten years:

Loans not
to exceed
one year.

Provided, That all investments and loans of the capital and funds of any domestic insurance company, except as provided in paragraph nine of this section, shall be made and kept invested in and loaned on interest or dividend bearing securities, whereon default for interest has not been made during three years next prior to the making of such loan, and the regular annual dividends, in the case of investments in stocks, shall have been actually earned and paid out of the net profit, of not less than four per centum, of the par value of such stock during each of the five years next preceding the time of such investment: And,

Relating to
investments.

Provided, further, That all property, securities, investments, and loans held by any domestic insurance company when this act takes effect, which investments in or loans on such property or securities are prohibited by or contrary to the provisions of this section, shall be sold and disposed of and the proceeds thereof invested as provided by this section, within two years from the time when this act shall take effect, and such property, securities, investments, or loans shall not be held for a longer period unless, owing to general financial and business depression, such investments may not be readily converted into funds and re-invested as by this section provided without material sacrifice, in which event, upon a proper showing and application made to the

commissioner, he may extend the said period for a reasonable time, not exceeding two years.

With each investment or loan made of the capital and funds of any domestic insurance company shall be made and signed a written report by the officer, director, trustee, or acting chairman of the committee of directors or trustees making or authorizing such investment or loan on the part of such company, stating the amount so invested or loaned, a brief description of the securities or property in which such investment or loan is made, the reasonable cash market value thereof, and in case of a loan, the rate of interest, and amount of insurance carried to protect the mortgagee, and in case of an investment, the rate of interest or annual dividend earned and paid during the five years next preceding; whether any officer, director, or trustee of such insurance company has any direct, indirect, or contingent interest in the securities in which such investment, or on which such loan is made, or in the assets of the business, person, co-partnership, or corporation in whose behalf such loan or investment is made, and if so, the name of the officer, director, or trustee, and the character and extent of such interest, the name of the attorney who passes upon such transaction and the substance of his report; the amount of the expense and commission, if any, on such investment or loan, by whom paid and to whom paid, which report shall be recorded in a book to be kept by the company known as "Reports on Loans and Investments," which shall be at all times open to the inspection of the commissioner or his deputy, and any stockholder of such company.

All investments, loans and deposits of the funds and securities of each domestic insurance company, and all purchases on behalf of every domestic insurance company, and all sales made of the property and effects of such company, shall be made in its corporate name, and no officer, director, or trustee thereof, and no agent, attorney, or member of a committee having any authority in the investment or disposition of its funds, shall accept, except for the company, or be the beneficiary of, either directly

Report
of loans.

Reports on
loans and
investments.

Business
under
corporate
name.

or remotely, any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit, purchase, sale, payment or exchange made by or on behalf of such company, or be pecuniarily interested in any such purchase, sale, loan, or investment, either as borrower, principal, co-principal, agent, attorney, or beneficiary, except that he may procure a loan from such company direct, as provided in paragraph five of this section, and if a policy holder, he shall be entitled to all the benefits accruing under the terms of his contract.

No investment, sale, or loan, except loans on its own policies, shall be made which has not first been authorized by the board of directors, or by a committee thereof charged with the duty of investing or loaning the funds of the company, nor shall any deposit be made in a bank or banking institution, unless such bank has first been approved as a bank of deposit by the board of directors or said committee thereof, and unless a vote authorizing such investment, sale, or loan, or approval of the place of deposit, has been duly recorded in the books of the company.

Depositary
approved.

Every domestic insurance company shall have the right to acquire title to any property under the conditions of any mortgage owned by it, or by purchase or set off on execution upon judgment for debts due it previously contracted in the course of its business, or by any process in settlement for debts; if such company acquires title to or lien upon any property or securities which it may not otherwise invest in, or loan its funds upon, under the provisions of this section, such company shall dispose of all such personal property within one year, and real property within three years, from the time of acquiring same, and the commissioner, upon proper showing and application, may extend such period a reasonable time, not exceeding two years.

SEC. 24. *Deposit of Securities.*

Every foreign insurance company doing business in this state and required by this act to have a cash capital, shall deposit and keep on deposit with the state treasurer,

through the office of the insurance commissioner of this state, the same amount and character of securities which a like domestic company is required to deposit with the depository for securities of insurance companies of the state by whose laws such insurance company is incorporated.

When any state shall require insurance companies of other states to deposit with some officer of such other state securities in trust for policy holders of such company as a prerequisite to their transacting business in such state, the treasurer of this state shall receive on deposit from any domestic insurance company the securities required by the laws of such other state.

Deposits
with state
treasurer.

Every domestic insurance company required by this act to deposit securities to the amount as provided by this act shall deposit such securities with the state treasurer, and any domestic insurance company may deposit such securities with the state treasurer for the protection of all policy holders of such company. Every domestic insurance company hereafter organized shall deposit with the state treasurer authorized securities in the sum of fifty thousand dollars at or prior to the time it receives a certificate of authority to commence effecting insurance, and the commissioner shall within one year thereafter require such company to make further deposits of such securities sufficient to equal in the aggregate the amount of the minimum capital required by this act of such company.

Securities
deposited
\$50,000.00.

Every insurance company, required by this act to have a cash capital, shall, on or before the first day of January, nineteen hundred and twelve, deposit and keep on deposit, with the state treasurer through the office of the commissioner, its funds and securities equal in amount and value to the minimum cash capital required by this act of such company, and which deposits shall be exchanged for investments authorized as provided by this act.

The funds, securities, and investments so deposited and kept on deposit with the state treasurer, or any trust company designated by him as herein authorized, shall be held as security for the protection of all policy holders having

policies duly issued by such company, or by any of its agents.

Collect
interest and
dividends.

During the time such company continues solvent, and complies with the law, it shall be permitted to collect the interest and dividends accruing on such securities, and such funds, securities, and investments, so deposited, may be exchanged from time to time for other authorized securities of equal amount and value, at the election and upon the request of the company depositing the same: *Providing*, That if any such company now has on deposit, or shall hereafter deposit, with the proper insurance depository, of similar securities in any other state, or district in the United States, or of the United States, in accordance with the laws thereof, the commissioner, upon proper showing and application, to be made by such company, may allow such company credit on account of the amount and value of the deposit required to be made by it in this state, to the amount and value of the securities so kept by it on deposit in such other state or district or government, and may allow such company to withdraw and transfer, of the securities deposited with the state treasurer, the amount so deposited, and kept on deposit in such other state, or district, or government.

Credit on
account.

The state treasurer may appoint and designate any solvent trust company organized under the laws of this state, and doing business in the city where the principal office of any domestic insurance company is located, the state treasurer's depository, to receive and hold on deposit, any funds, securities and investments provided by this section to be deposited with the state treasurer. All funds, securities, and investments, deposited as provided by this act, shall be registered by the commissioner in accordance with such rules as he may promulgate. No transfer of securities, so held on deposit, shall be valid unless countersigned by the state treasurer, his deputy, or authorized agent.

Treasurer
designate
depository.

The state treasurer shall keep in his office a book in which shall be entered the name of the company from whose account such transfer of securities is made, the name of

the transferee, the par value of the securities transferred, and the amount for which every mortgage transfer is held. The state treasurer shall have access at all times, during office hours, to the books and records of the commissioner, for the purpose of ascertaining the correctness of the entries upon the same, of any transfer; and the commissioner shall have access, during office hours, to the books or records herein kept by the state treasurer, to ascertain the correctness of the entries upon the same. The state treasurer shall state in his report to the legislature, the total amount of such deposits held by him and of such transfers countersigned by him.

Access to books.

Whenever any insurance company making such deposit of its securities with the state treasurer, shall sustain losses in excess of its other resources, the commissioner, upon proper showing and application, may authorize and direct the state treasurer to turn over and deliver so much of the securities of such company, to the commissioner, or such insurance company, or such person as the superior court of this state may appoint for such purpose, as shall be necessary to provide funds sufficient to pay its losses, and such securities shall not be used for any other purpose. The commissioner may allow such insurance company a reasonable time, to be determined by the commissioner, upon proper showing and application, to be made by such company, in which to deposit with the state treasurer, securities authorized by law, equal in amount and value to the securities so withdrawn: *And, provided,* That any company entering into a re-insurance contract, whereby its entire business is to be re-insured as provided in this act, the commissioner may, upon application and proper showing, release the deposit securities held by the state treasurer to the credit of said company upon being satisfied that all outstanding obligations of said company have been paid or assumed by the re-insuring company.

May turn over securities.

SEC. 25. *State Responsible.*

The State of Washington shall be responsible for the safe keeping and return of all securities deposited with it pursuant to the provisions of this act.

State responsible.

SEC. 26. *Annual Statement.*

All insurance companies now doing business in this state, or that may hereafter do business in this state, unless otherwise provided in this act, must make and file with the commissioner annually, on or before the fifteenth day of February in each year, a statement under oath, upon a form to be prescribed and furnished by the commissioner, stating the amount of all premiums collected, or contracted for by the company making such statement, in this state, during the year ending December thirty-first, next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance re-insured in other companies authorized to do business in this state, and the amount of premiums paid therefor; and the amount of insurance re-insured in companies, naming them, not authorized to do business in this state, and the amount of premiums paid therefor; and the amount of re-insurance accepted from admitted companies and the premiums received for such re-insurance on risks located in this state, with the name of the companies so re-insured.

The commissioner shall file a copy of such verified statement or schedule with the state treasurer, and said company shall pay to the state treasurer, through the insurance commissioner's office, a tax of two and one-quarter per centum on all premiums collected, or contracted for: *Provided*, That in the case of companies engaged in fire or marine insurance the tax shall be collected on such premiums, after deducting from the gross amount thereof the amounts paid to policy holders as returned premiums and the amounts paid as premiums to admitted companies for re-insurance, and in the case of life insurance companies the tax shall be collected on the gross amount of premiums, after deducting therefrom the amounts paid as premiums to admitted companies for re-insurance: *And provided, further*, That if any such company, corporation or association shall have fifty per centum or more of its assets invested in any bonds or

Annual
statement.

Copy to
state
treasurer.

warrants of this state, or bonds or warrants of any county, city, or district within this state, or in taxable property within this state, or in first mortgages upon improved real estate within this state, then the tax shall be but one per centum on the amount so collected.

The taxes herein provided for shall be due and payable on the first day of March succeeding the filing of the statement provided for herein.

Taxes payable March 1st.

Any company, failing or refusing to render such statement and information, and to pay taxes herein specified, for more than thirty days after the time specified, shall be liable for a fine of twenty-five dollars for each additional day of delinquency, and such tax may be collected by distraint, and such fine may be recovered by an action, to be instituted by the commissioner, in the name of the state, the attorney general representing him, in any court of competent jurisdiction. The amount of the fine collected shall be paid to the state treasurer and credited to the general fund; and the commissioner may revoke and annul the certificate of authority of such delinquent company, until such taxes and fine, should any be imposed, are fully paid.

Fine of \$25.00.

The annual statement made to the commissioner, pursuant to this section, or other provisions of law, shall at least include the substance of that required by what is known as the "Convention Blank Form," adopted from year to year, by the National Convention of Insurance Commissioners, and shall also include such other information as may be required by the commissioner.

Convention blank form.

SEC. 27. *Salaries—Officers.*

No domestic insurance company shall pay any salary, compensation, or emolument to any officer, trustee or director thereof, nor any salary, compensation, or emolument, amounting in any year to more than five thousand dollars, to any person, firm, or corporation, unless such payment be first authorized and directed by a vote of two-thirds of the board of directors of such company, duly taken and recorded in the minutes of a board meeting.

No such company shall make any agreement with any of its officers, trustees, or salaried employees, whereby it agrees that for any service rendered, or to be rendered, they shall receive any salary, compensation, or emolument that will extend beyond a period of five years from the date of such agreement; nor shall it pay any pension whatsoever.

No pension paid.

SEC. 28. *Vouchers for Expenditures.*

No domestic insurance company shall make any disbursement of twenty-five dollars or more, unless the sum be evidenced by a voucher, signed by or on behalf of the person, firm, or corporation receiving the money, and accordingly describing the consideration for the payment, if the same be for services and disbursements, setting forth the service rendered and an itemized statement of the disbursements made, and if it be in connection with any matter pending before any legislature or public body, or before any department, or officer of any government, accordingly describing in addition the nature of the matter, and of the interest of such corporation or organization therein, or, if such a voucher cannot be obtained by an affidavit stating the reason for not obtaining such voucher, and setting forth the particulars above mentioned.

Payments by voucher.

SEC. 29. *Business Authorized.*

No domestic insurance company shall transact any business other than that specified in its articles of incorporation, and no foreign or alien insurance company, admitted to transact business in this state under the provisions of this act, shall transact any other kind of business than that which it has been authorized to transact.

Transact authorized business.

SEC. 30. *Policy Provisions Voided.*

No domestic, foreign, or alien insurance company transacting business in this state, shall hereafter make, issue, or deliver herein, any policy or contract of insurance, except policies or contracts of ocean marine insurance, containing any condition, stipulation, or agreement, requiring such contract of insurance to be construed according to the laws of any other state or country, or depriving the courts of this state of the jurisdiction of action against such com-

Relating to policy provisions.

pany to a period of less than one year from the time when the cause of action accrues; and any such condition, stipulation, or agreement shall be void, and such policy shall be binding upon the company having issued it.

SEC. 31. *Policy—Application—Contract.*

Every contract of insurance shall be construed according to the terms and conditions of the policy, except where the contract is made pursuant to a written application therefor, and such written application is intended to be made a part of the insurance contract, and the insurance company making such insurance contract, unless as otherwise provided by this act, shall deliver a copy of such application with the policy to the assured, and thereupon such application shall become a part of the insurance contract, and failing so to do it shall not be made a part of the insurance contract.

Application.

SEC. 32. *Combination and Agreements Prohibited.*

If any insurance company authorized to transact business in this state, or any agent or representative thereof, shall, either within or outside of this state, directly or indirectly, enter into any contract, understanding, or combination, with any other insurance company, or any agent or representatives thereof, for the purpose of controlling the rates to be charged for insuring any risk, or class or classes of risks, in this state, the commissioner shall forthwith revoke its license, and those of its agents, and no renewal of the licenses shall be granted until after the expiration of three years from the date of final revocation.

Combina-
tions pro-
hibited.

SEC. 33. *Rebates Prohibited.*

No insurance company, by itself or any other party, and no licensed insurance agent, solicitor, or broker, personally or by any other party, shall offer, promise, allow, give, set off, or pay, directly or indirectly, any rebate of, or part of, the premium payable on the policy, or on any policy, or agent's commission thereon, or earnings, profit, dividends, or other benefit founded, arising, accruing or to accrue thereon, or therefrom, or any other valuable consideration or inducement to or for insurance, on any risk in

Prohibiting
rebates.

this state now or hereafter to be written, which is not specified in the policy contract of insurance; nor shall any such company, agent, solicitor, or broker, personally or otherwise, offer, promise, give, sell, or purchase any stocks, bonds, securities, or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever as inducement to insurance or in connection therewith which is not specified in the policy. The license of any insurance company, agent, solicitor, or broker who violates the provisions of this section shall be revoked and no license shall be issued to such company, agent, solicitor, or broker within one year from the date of the revocation of the license.

License
may be
revoked.

No insured person or party shall receive or accept, directly or indirectly, any rebate of premium or part thereof, or agent's, solicitor's, or broker's commission thereon payable on the policy, or on any policy of insurance, or any favor or advantage or share in the dividend or other benefits to accrue thereon, or any valuable consideration or inducement, not specified in the policy contract of insurance; the amount of the insurance whereon the insured has received or accepted, either directly or indirectly, any rebate of the premium or agent's, solicitor's, or broker's commission thereon, shall be reduced in such proportion as the amount or value of such rebate, commission, dividend, or other consideration so received by the insured, bears to the total premium on such policy, and any such insured shall be liable, in addition to having the insurance reduced, to a fine of not more than two hundred dollars. No person shall be excused from testifying, or from producing any books, papers, contracts, agreements, or documents at the trial of any person charged with violating any provision of this act, on the ground that such testimony or evidence may tend to incriminate himself, but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying. Rebates affecting life insurance shall be governed by section one hundred eighty of this act.

Penalty
\$200.00.

SEC. 34. *Warranty Not to Avoid Policy Unless Deceptive.*

No oral or written misrepresentation or warranty made in the negotiation of a contract or policy of insurance, by the assured or in his behalf, shall be deemed material or defeat or avoid the policy or prevent it attaching, unless such misrepresentation or warranty is made with the intent to deceive. The breach of a warranty or condition in any contract or policy of insurance shall not avoid the policy nor avail the insurer to avoid liability unless such breach shall exist at the time of the loss and contribute to the loss; anything in the policy or contract of insurance to the contrary notwithstanding. In case a loss occurs while a breach of warranty exists, if it contribute to the loss, the insured shall only be entitled to recover the amount of insurance the premium paid would purchase at the rate that would be charged without the warranty.

Misrepresentation.

This section shall be liberally construed.

SEC. 35. *Additional Information to Commissioner.*

Every insurance company admitted to do business in this state shall at such time as the commissioner requires, in addition to all returns now by law required of it, or its agents or managers, make a return to the commissioner, in such form and detail as he may prescribe, of all re-insurance contracted for or effected by it, directly or indirectly, upon property located in this state, such return to be under oath of its president and secretary, if a foreign company, and if an alien company, under oath of the person, officer, or representative who verifies its annual statement.

Additional returns.

If any insurance company refuse or neglect to make the returns required by this section, the commissioner may revoke its authority to transact business in this state, or report the facts to the attorney general to be dealt with as otherwise provided by this act.

May revoke authority.

SEC. 36. *Insurance to Be Placed Through Agents.*

It shall be unlawful for any insurance company admitted to do business in this state to write, place or cause to be

Business
through
agents.

written or placed, any policy of insurance covering risks located in this state, except through or by a duly authorized licensed agent of such company residing and doing business in this state: *Provided*, That where the insured calls at the principal office of the company and requests a policy, the risk may be covered and the policy procured through the duly authorized agent in the territory wherein risk is located.

SEC. 38. *Political Contributions Forbidden.*

Political
contributions
forbidden.

No insurance company, including fraternal beneficiary associations, doing business in this state shall, directly or indirectly, pay, or use, or offer, consent or agree to pay, or use any money, property or other thing of value for or in aid of any political party, committee, or organization; nor for or in aid of any corporation, joint stock or other association, organized or maintained for political purposes; nor for or in aid of any candidate for any political office, nor for the nomination for such office, nor for any other political purpose whatever, nor for the reimbursement or indemnification of any person or institution for money or property so used.

Misdemeanor
and penalty.

Any officer, director, stockholder, attorney, or agent of any insurance company which violates any of the provisions of this section, who participates in, aids, abets, advises, or consents to any such violation, and any person who solicits or knowingly receives any money, property or thing of value, in violation of this section, shall be guilty of a gross misdemeanor, and punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both, which fine, when collected, shall be paid to the state treasurer and credited to the general fund; and any officer, director, stockholder, attorney, or agent aiding or abetting in any contribution made in violation of this section, shall be liable to the insurance company for the amount so contributed.

SEC. 39. *Dividends to Be Paid from Earnings.*

It shall be unlawful for the officers, directors, trustees, or managers of any domestic insurance company to declare

or pay any dividends, except from the surplus profits arising from its business, which shall be estimated and ascertained in accordance with the requirements and provisions of this act. Dividends.

SEC. 40. *Company—Lien on Stock.*

Every domestic insurance company shall have a lien on every share of capital stock issued by it and all profits and dividends accruing thereon, for any balance unpaid of the par value and surplus to be paid thereon in like amount as is paid or agreed to be paid on all other shares of capital stock in such company and also for any debt owing to such company for premiums by the holder of such stock. Liens on stock.

SEC. 41. *Prohibiting Publicity of Unauthorized Statements.*

No insurance company, or agent thereof, doing business in this state, shall anywhere publish, represent, or advertise assets except those actually owned and possessed by it in its own exclusive right, available for the payment of losses and claims, and held for the protection of its policy holders and creditors. False advertisement.

SEC. 42. *Advertisement to Show Actual Paid-up Capital and Surplus.*

Every advertisement or public announcement, and every sign, circular or card issued by any insurance company doing business in this state purporting to show its financial condition, shall correspond with or include its last verified statement made to the commissioner. False statement.

For violation of this or the preceding section by a company, it shall forfeit, for the first offense, to the people of the state, the sum of two hundred and fifty dollars, and for every subsequent offense the sum of five hundred dollars, which sums may be recovered by an action prosecuted by the commissioner, the attorney general representing him, and which sums when recovered shall be paid to the state treasurer and credited to the general fund. Violation and penalty.

SEC. 43. *Place of Business to Be Designated.*

Every agent of an insurance company doing business in this state shall, in all his advertisements of that company, Place of business.

give the location of the company, the name of the state, and town in which it has its principal office, and the state or government under the laws of which it is organized.

SEC. 44. Agents to Procure License Must Act Only for Admittted Companies.

No person, firm, or corporation, shall act as agent for any insurance company, in the transaction of any business of insurance within this state, or negotiate for, or place risks for any such company, or in any way or manner aid such company in effecting insurance, or otherwise in this state, except as provided in section seventy-five of this act, unless such company shall in all things have complied with the provisions of this act. Every insurance agent shall annually, on or before the first day of April, procure an agent's license from the commissioner, who shall make and keep a record thereof.

Procure
license.

SEC. 45. Application for License.

No license shall be issued to any applicant for an agent's, solicitor's, or broker's license until such applicant shall have first made and filed in the commissioner's office an application therefor upon a form to be prescribed and furnished by the commissioner, which must show the applicant's name, business and residence address, name of company to be represented, whether as solicitor, agent, or general agent; present occupation, occupation for last twelve months, portion of time to be devoted to the work, previous insurance experience, and name of employers during five years next preceding, and such other information as the commissioner may require. The statements and answers made in the application shall be warranted by the applicant and shall have the same force and effect as if such statements and answers had been made by the applicant as a sworn witness testifying in a superior court in this state. Such application must be approved by the company to be so represented; and in the case of an application for an insurance broker's license it must also show how long applicant has been engaged in the insurance business and in what branches, under whom applicant received

Agent
file
application.

Application
approved.

his training, what income, if any, applicant has other than to be derived from such business, and financial condition of applicant. It shall be the duty of the commissioner to withhold any license applied for, or revoke any license issued to any person or party, or to his or their employee, when he is satisfied that the principal use of such license is to effect insurance upon the property or liability of such person or party, or to circumvent the enforcement of the anti-rebate law: *Provided*, That each agent shall be required to file but one application, regardless of the number of companies he represents: *And provided, further*, That no person shall act as agent unless each company, corporation or association represented by such person shall have paid a license fee as provided in this act; and the agent's license fee provided for in section seventeen of this act shall be paid by each company, corporation or association represented by him; and if in the agent's application the names of several companies appear, then and in that event, each company so represented must pay the agent's license fee provided for in this act.

But one application required.

SEC. 46. *Embezzlement by Agent—Solicitor—Broker.*

All funds received by any agent, solicitor or broker, as premium or return premium on or under any policy of insurance, shall be received by such agent, solicitor, or broker in his fiduciary capacity, and any agent, solicitor, or broker who diverts or appropriates such funds to his own use shall be guilty of larceny by embezzlement and shall be punished as provided in the criminal statutes of this state.

Embezzlement.

SEC. 47. *Reciprocal Obligations.*

If, by the laws of any other state, any taxes, fines, penalties, licenses, fees, deposits, or other obligations or prohibitions, in the aggregate, additional to or in excess of those imposed by the laws of this state, upon foreign insurance companies and their agents and solicitors, are imposed on insurance companies of this state and their agents doing business in such state, like obligations and

Reciprocal obligations.

prohibitions shall be imposed upon all insurance companies of such state and their agents doing business in this state, so long as such laws remain in force.

SEC. 48. "*Lloyds.*"

Relating
to "Lloyds."

Associations of individuals, citizens of the United States, whether organized within this state or elsewhere within the United States, formed upon the plan known as "Lloyds," whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by the group, may be authorized to transact insurance, other than life, in this state, in like manner and upon the same terms and conditions as insurance companies of other of the United States.

SEC. 49. *Licenses—Extension of.*

Extension
of license.

All licenses and certificates of authority, in effect at the time of the passage of this act, shall continue in force until April first, nineteen hundred and twelve, unless sooner revoked for cause by the commissioner.

SEC. 50. *Frauds in the Organization of Companies.*

A person who:

Frauds.

First—Without authority, subscribes the name of another to, or inserts the name of another in any prospectus, circular or other advertisement of any domestic insurance company, existing or intended to be formed, with intention to permit the same to be published, and thereby lead persons to believe that the person whose name is so subscribed is an officer, agent, member, or promoter of such company; or,

Second—Signs the name of a fictitious person to any subscription for or agreement to take stock in any corporation existing or proposed; or,

Misdemeanor.

Third—Signs to any such subscription or agreement the name of any person, knowing, or having good reason to believe, that such person does not intend in good faith to comply with the terms thereof, or enter into any agreement or understanding, that the terms of such subscription or agreement are not to be complied with or enforced, shall be guilty of a misdemeanor.

SEC. 51. *Frauds in Procuring Organization of Companies.*

Any officer, agent, or clerk of a company, or of persons proposing to organize a company, or to increase the capital stock of a company, who knowingly exhibits false, forged, or altered books, papers, vouchers, securities, or other instruments of evidence to any public officer or board authorized by law to examine the organization of such company, or to investigate its affairs or to allow the increase of capital, with intent to deceive such officer or board in respect thereto, shall be guilty of a felony.

SEC. 52. *Fraudulent Issue of Stocks and Bonds.*

An officer, agent, or other person in the service of any company, formed or existing under the laws of this state, or of the United States, or of any state or territory thereof or of any foreign government or country, who wilfully and knowingly with intent to defraud:

First—Sells, pledges, or issues, or causes to be sold, pledged, or issued; or signs or executes, or causes to be signed or executed with intent to sell, pledge, or issue, or causes to be sold, pledged, or issued, any certificate or instrument purporting to be a certificate or evidence of the ownership of any share or shares of said company, or any bond or evidence of debt, or writing purporting to be a bond or evidence of debt of such company, without being first duly authorized by such company, or contrary to the articles of incorporation, charter or laws under which such company exists, or in excess of the power of such company, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or,

Second—Re-issues, sells, pledges, or disposes of, or causes to be re-issued, sold, pledged, or disposed of any surrendered or cancelled certificates or other evidence of a transfer or ownership of any such share or shares, shall be guilty of a felony.

SEC. 53. *Misconduct of Directors of Stock Companies.*

A director of a company, who concurs in any vote or act of the directors of such company, or any of them by which it is intended:

Misconduct.

First—To make a dividend except from the surplus profits arising from the business of the company, and in the cases and manner allowed by law; or,

Second—to divide, withdraw, or in any manner pay to the stockholders, or to any of them, any part of the capital stock of the company, or to reduce such capital stock in any manner other than as authorized by law; or,

Third—To discount or receive any note, or other evidence of debt, in payment of an installment of capital stock actually called in, and required to be paid, or with intent to provide the means of making such payment; or,

Fourth—To receive or discount any note or other evidence of debt with intent to enable any stockholders to withdraw any part of the money paid in by him on his stock; or,

Fifth—To apply any portion of the funds of such company, except surplus profits, directly or indirectly, to the purchase of shares of its own stock, shall be guilty of a gross misdemeanor.

SEC. 54. *Misconduct of Officers and Directors of Stock Companies.*

An officer or director of a stock company, who:

Officers and directors.

First—Issues, participates in issuing, or concurs in the vote to issue any increase of its capital stock beyond the amount of the capital stock thereof, duly authorized by or in pursuance of law; or,

Second—Sells, or agrees to sell or is directly or indirectly interested in the sale of any share of stock of such corporation, or in any agreement to sell the same, unless at the time of such sale or agreement he is either the actual owner, or the duly authorized agent for such purpose of the actual owner of such shares, shall be guilty of a gross misdemeanor.

SEC. 55. *Directors, Officers, Agents and Employees of Companies—Misconduct of.*

A director, officer, agent, or employee of any company who:

First—Knowingly receives or possesses himself of any of its property, otherwise than in payment for a just demand, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in its books and accounts; or,

Defining
misconduct
of directors,
officers,
agents or
employees.

Second—Makes or concurs in making any false entry, or concurs in omitting to make any material entry, in its books or accounts; or,

Third—Knowingly concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which is false, or omits or concurs in omitting any statement required by law to be contained therein; or,

Fourth—Having the custody or control of its books, wilfully refuses or neglects to make any proper entry in the stock book of such company, as required by law, or to exhibit or allow the same to be inspected, and extracts to be taken therefrom by any person entitled by law to inspect the same, or take extracts therefrom; or,

Fifth—If a notice of an application for an injunction or other legal process affecting or involving the property or business of such company is served upon him, omits to disclose the fact of such service and the time and place of such application to the other directors, officers, and managers thereof; or,

Sixth—Refuses or neglects to make any report or statement lawfully required by a public officer, shall be guilty of a misdemeanor.

SEC. 56. Misconduct at Corporate Elections.

Any person who:

First—Being entitled to vote at a meeting of the stockholders of a stock company, sells his vote, or issues a proxy to vote, to a person for any sum of money or thing of value, except as expressly authorized by law; or,

Misconduct
at elections.

Second—Acts as an inspector of election at any such meeting and violates an oath taken by him in pursuance of law as such inspector, or violates the provisions of an oath required by law to be taken by him as such inspector, or

is guilty of any dishonest or corrupt conduct as such inspector, shall be guilty of a misdemeanor.

SEC. 57. *False Statement in Application for Insurance.*

False
statement.

Any solicitor, agent, examining physician, or other person, who knowingly and wilfully makes a false or fraudulent statement, or representation, in or relative to an application for life, accident or health insurance, or who makes any such statement for the purpose of obtaining a fee, commission, money, or benefit in a company, transacting such business under the provisions of this act, shall be guilty of a misdemeanor.

SEC. 58. *Present False Proofs of Loss.*

Any person, who, knowing it to be such:

False
proofs.

First—Presents, or causes to be presented, a false or fraudulent claim, or any proof in support of such a claim, for the payment of a loss upon a contract of insurance; or,

Second—Prepares, makes, or subscribes false or fraudulent account, certificate, affidavit, or proof of loss, or other document or writing, with intent that the same be presented or used in support of such a claim, shall be guilty of a gross misdemeanor.

SEC. 59. *Destroying Property Insured.*

Any person, who, with intent to defraud or prejudice the insurer thereof, wilfully burns, or in any manner injures or destroys property, which is insured at the time against loss or damage by fire or by any other casualty, under such circumstances not making the offense arson, is guilty of a gross misdemeanor.

SEC. 60. *Persons Not Excused from Testifying.*

Relating to
testifying.

No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court or magistrate, upon any investigation, proceeding, or trial, for the violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise required of him, may tend to convict him of crime or subject him to penalty or forfeiture; but no person shall be

prosecuted or subject to any penalty or forfeiture for, or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

SEC. 61. Presumption of Knowledge of Corporate Condition and Business, and of Assent Thereto by Directors; Definitions.

It is no defense to the prosecution for the violation of the provisions of sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, and sixty of this act that the company is either an alien, a foreign, or a domestic company, if it carries on business or occupies offices therefor in this state.

A director of a company is deemed to have such knowledge of the affairs of the company as to enable him to determine whether any act, proceeding, or omission of its directors is a violation of the provisions of either of said sections fifty to sixty inclusive of this act. If present at a meeting of directors at which any act, proceeding, or omission of its directors is a violation of the provisions of said sections or either of them occurs, he must be deemed to have concurred therein, unless he at the time causes or in writing requires his dissent therefrom to be entered on the minutes of the directors. If absent from such meeting, he must be deemed to have concurred in any such violation, if the facts constituting such violation appear on the records or minutes of the proceedings of the board of directors, and he remains a director of the company for six months thereafter without causing or in writing requiring his dissent from such violation to be entered upon such record or minutes.

Director's
knowledge
of violation.

SEC. 62. Violations to Be Reported.

Every insurance company, agent, solicitor, or broker, and every person or party having knowledge of a violation of this act, is required to promptly report the facts and circumstances pertaining thereto to the commissioner;

Report
violations.

which report and the name of the informant shall be held as confidential by the commissioner and shall not be made public.

SEC. 63. *Annual Meetings.*

Annual
meeting.

Every domestic company shall hold an annual meeting in the month of January or February, of its stockholders, if a stock company, or members, if a mutual company, for the purpose of receiving the report of its officers and trustees, and to elect trustees. Each share of stock in a stock company, and each policy holder in a mutual company, shall be entitled to one vote in the election of trustees, and if unable to attend in person, may appoint any stockholder or member his proxy to vote his stock or policy, but no officer of said company shall be allowed to vote the proxy of any stockholder or member thereof: *Providing, however,* Officers of stock companies may so do when the majority of the trustees vote to permit such action.

SEC. 64. *Insurance Applied to Insured's Own Interest.*

When the name of a party intended to be insured is specified in a policy, such insurance can be applied only to his own proper interest.

SEC. 65. *Insurance—To Agent or Trustee.*

Agent or
trustee.

When insurance is issued to an agent or trustee the fact that his principal or beneficiary is the person really insured is sufficiently indicated by describing him as agent or trustee or by other general words in the policy.

SEC. 66. *Insurance Effected—Joint or Company Interest.*

Partnerships.

To render an insurance effected by one partner or part owner, applicable to the interest of his co-partner or other part owner, it is necessary that the terms of the policy should be such as are applicable to the joint or company interest.

SEC. 67. *Insured Intended—Must Prove.*

Person
insured.

When the description of the insured in the policy is so general that it may comprehend any person or class of

persons, he, only, can claim the benefit of the policy, who can show that it was intended to include him.

SEC. 68. *Policies Subject to Inspection of Commissioner.*

The commissioner, his deputy, or examiner, shall have the right at any time to inspect any policy, covering any risk in this state, and every policy holder shall produce and exhibit any policy in his possession or control when required for the inspection of the commissioner, his deputy, or examiner. Any person who violates the provisions of this section shall be fined in any sum not exceeding one hundred dollars.

Rght to inspect policy.

SEC. 69. *Policy Fee Forbidden.*

It shall be unlawful hereafter for any insurance company or for any officer, manager, agent, or other representative of any such company, to include in the sum charged or designated in any policy as the consideration for insurance, any fee, compensation, charge, or perquisite whatsoever, not specified in the policy. When collected, the same shall be reported as premium.

Fee forbidden.

SEC. 70. *Agent to Report Exact Consideration.*

Every agent or other representative of any insurance company issuing a policy on its own behalf in this state, shall report to the company the exact consideration charged and written in the policy, as a premium for the risk assumed.

Accurate report.

SEC. 71. *Penalty for Charging Policy Fee.*

Any insurance company violating the provisions of section sixty-nine of this act shall be guilty of a gross misdemeanor.

Penalty.

SEC. 72. *Penalty for Failure to Report.*

Any officer, manager, agent, solicitor, or other representative of any insurance company violating the provisions of section seventy of this act shall be guilty of a misdemeanor.

Failure to report.

SEC. 73. *Rating Schedules—Filing—Use.*

Every fire insurance company before it shall receive a license to transact the business of making insurance as

Rating
schedules.

an insurer in this state, must file in the office of the insurance commissioner a copy of its rating schedules. Every such company and its agents shall observe said rating schedules and shall not deviate therefrom in making insurance until amended or corrected rating schedules shall have been filed in the office of the insurance commissioner. Any company which shall make fire insurance in this state according to the advisory rates, or a stated deviation therefrom, furnished by a rating bureau as provided in the following section, may receive a license to transact the business of making fire insurance in this state, without filing a rating schedule, by filing written notice in the office of the insurance commissioner of its adoption of such advisory rates, stating the deviation therefrom, if any, at which it will make insurance, which deviation, if any, shall be uniformly applied to all purchasers of insurance from such company in this state.

SEC. 74. *Rating Bureau—Rates.*

Rating
bureau.

Any person or persons or co-partnership, resident within this state, or a domestic corporation, may organize or maintain a rating bureau, for the purpose of inspecting and surveying the various municipalities and fire hazards in this state, and the means and facilities for preventing, confining, and extinguishing fires, for the purpose of estimating fair and equitable rates for insurance, and to furnish to municipalities, owners of property, insurance companies, agents, solicitors, or brokers information and advice as to measures to be adopted for the reduction of fire hazards on property within this state, and lessening the cost of insurance thereon. The business of conducting a rating bureau in this state is public service in character and shall be conducted without profit to any party, except that fair and reasonable compensation shall be paid for all services actually rendered, and necessary to the business. Every rating bureau shall, before publishing or furnishing any rates, file in the office of the insurance commissioner its rating schedules, and shall not deviate therefrom until amended or corrected rating schedules shall

Public
service.

have been filed in the office of the insurance commissioner. The services of such rating bureau shall be available, equally and ratably in proportion to the service rendered, to any and all insurance companies, agents, brokers, and property owners.

Each rating bureau shall keep an accurate and complete record of all work performed by it, which record must show all receipts and disbursements, and be open at all times to the inspection and examination of the commissioner, his deputy, or examiner.

No rating bureau operating under the provisions of this act shall, directly or indirectly, examine, stamp, or pass upon any "daily report" of policies issued by any company on property located within this state.

Not to pass
on daily
report.

Any person or party who knowingly violates any provision of this or the preceding section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

SEC. 75. *Unauthorized Companies—Agents—Surplus Line—Service.*

The commissioner, in consideration of the yearly payment of one hundred dollars, and the furnishing of a bond as hereinafter provided, may issue to any citizen in this state, not exceeding fifty in any one city, a license revokable at any time, permitting the party named in such license to place or effect insurance upon risks located in this state with insurance companies not licensed to do business in this state. No person, firm, or corporation, shall place, procure or effect insurance upon any risk located in this state in any company not licensed to do business in this state, or place, procure, or effect insurance in any marine risk destined for or departing from any port in this state, until such person, firm, or corporation shall have first procured a license from the commissioner as provided in this section, and has furnished a bond to the State of Washington in the penal sum of not less than five hundred dollars nor more than two thousand dollars, the amount thereof to be fixed by the commissioner, with

Unauthorized
companies.

Bond to
state.

sureties thereon to be approved by the commissioner, conditioned that he or it will conduct such business in accordance with the provisions of this section, and will pay to the state treasurer through the insurance commissioner's office the taxes provided by this section. Every such agent must keep a true and complete record of the business transacted by him, showing: First, The exact amount of such insurance; second, the gross premiums charged therefor; third, the return premium paid thereon; fourth, the rate of premium charged for such insurance upon the different items of the property; fifth, the date of such insurance and terms thereof; sixth, the name and address of the company making such insurance; seventh, the name and address of the assured, and a brief and general description of the property insured, where located, and if a marine risk, the name of the ship, vessel, boat, or craft, and voyage covered by such insurance; and such other facts and information as the commissioner may direct and require; which record shall at all times be open and subject to the inspection and examination of the commissioner, his deputy, or examiner.

Record of
business.

Every policy procured and delivered under the provisions of this section shall have stamped upon it and be initialed by the agent clearing the same in this state, the following: "This policy is registered and delivered at, Washington, thisday of, 19 . . . , under the provisions of section seventy-five of chapter, of the Session Laws of the State of Washington for nineteen hundred eleven."

Policy
registered.

Every agent who places, procures, effects, or delivers any insurance or insurance policy, as provided in this section, shall annually on or before the fifteenth day of February in each year, make and file with the commissioner a verified statement upon a form to be prescribed and furnished by the commissioner, which shall exhibit the true amount of all such business transacted by such agent during the year ending on the thirty-first day of December next preceding the making of such annual statement, showing the gross amount of each kind of insurance, the

gross premiums charged for such insurance, the aggregate amount of returned premiums paid to the insured, the amount of the net premiums, and such other facts and information as the commissioner may prescribe and require.

The commissioner shall file a copy of such verified statement with the state treasurer, and the agent making such statement shall pay to the state treasurer, through the commissioner's office, the same tax that is required of admitted companies, which tax shall be due and payable on the first day of March succeeding the filing of such statement.

Statement
filed with
treasurer.

Before any insurance, except marine insurance, shall be procured or affected, under or by virtue of said license, there shall be executed by such licensed agent and by the party or his authorized agent desiring insurance, an affidavit which shall be filed with the commissioner within thirty days after the procuring of such insurance. Such affidavit shall set forth that the party desiring insurance is, after diligent effort, unable to procure the insurance required to protect the property owned or controlled by him, from the companies licensed to transact business in this state. Every company making insurance under the provisions of this section, shall be deemed and held to be doing business in this state as an unlicensed company, and may be sued upon any cause of action, arising under any policy of insurance so issued and delivered by it, in the superior court of the county where the agent who registered or delivered such policy resides, or transacts business, by the service of summons and complaint made upon such agent for such company. Any such agent, being served with summons and complaint in any such cause, shall forthwith mail such summons and complaint, or a true and complete copy thereof, by registered letter with proper postage affixed, properly addressed to the company sued, and such company shall have forty days from the date of the service of such summons and complaint upon said agent in which to plead, answer or defend any

Affidavit
executed.

such cause; upon service of summons and complaint being had upon such agent for such company the court in which such action is begun shall be deemed to have duly acquired jurisdiction in *personam* of the defendant company so served.

Every such agent who fails or refuses to make and file said annual statement, and to pay the taxes required to be paid thereon, prior to the first day of April after such tax is due, shall be liable for a fine of twenty-five dollars for each day of said delinquency, beginning with the first day of April, and said tax may be collected by distraint, or such tax and such fine may be recovered by an action, to be instituted by the commissioner, in the name of the state, the attorney general representing him, in any court of competent jurisdiction, and the fine, when so collected, shall be paid to the state treasurer, and placed to the credit of the general fund. If any such agent shall fail to make and file said annual statement and pay the said taxes, or shall refuse to allow the commissioner to inspect and examine his records of the business transacted by him, pursuant to this section, or keep such records in manner as required by the commissioner, or shall refuse or neglect to immediately notify the insurance company for whom he has placed, registered, or delivered a policy, of the commencement of any action or proceeding in any court in this state against such company, the license of such agent shall be immediately revoked by the commissioner, and no license shall be issued to such agent within one year from the date of such revocation, nor until all taxes and fines are paid and the commissioner shall be satisfied that full compliance with the provisions of this section will be had.

SEC. 76. *Business to Be Placed with Solvent Companies—Penalties.*

Every agent, or broker, transacting business under the provisions of the preceding section shall ascertain the financial condition of each company before he procures a policy of insurance from or places any insurance with such company. Any such agent, or broker, who shall

Penalty
\$25.00.

May revoke
license.

knowingly place any insurance except marine with, or procure any insurance from, any insurance company whose unimpaired capital and surplus assets, after providing a re-insurance reserve on the *pro rata* basis, are less than two hundred thousand dollars, or from any insurance company, other than a stock company, whose cash assets are less than one hundred and fifty thousand dollars, of which amount not less than fifty thousand dollars must be net surplus, after providing for a re-insurance reserve on the *pro rata* basis, shall be fined in any sum not less than twenty-five dollars, nor more than two hundred and fifty dollars, and his license shall be immediately revoked by the commissioner, and no license shall be issued to such agent within two years from the date of revocation for such cause.

Penalty
for failure
to comply.

SEC. 77. *Examinations—Expense—How Paid.*

The expense of every examination, or other investigation of the affairs of any insurance company, doing business in this state, which the commissioner is by law authorized or required to investigate or examine, shall be paid by the state out of the general fund. The commissioner, his deputy, or examiner, in making such investigation or examination, shall be allowed only his actual traveling and necessary expenses required by such examination, and shall not charge any fee, nor receive any compensation, for such examination other than the salary allowed by law. In cases where the examination is made by other than an employee of the department he shall be compensated for his services in addition to the expenses as stated herein. The commissioner, his deputy, or examiner, upon making such examination or investigation, shall prepare an itemized statement of the expenses involved in making such examination, and upon the presentation of such vouchers to the state auditor, properly signed by the person making such examination and countersigned by the commissioner, the state auditor is hereby authorized to draw his warrants against the general fund in the same manner in which warrants are drawn for the payment of other bills: *Provided,*

Examina-
tions.

Exception. That the provisions of this section shall apply to those companies only that are required to pay a tax on their premium income.

Any company not required to pay taxes on its premium income shall pay the expense of any examination required by law.

SEC. 78. *Policies May Be Issued in Other States.*

Any domestic insurance company doing business in any other state may frame and issue policies in such other states in accordance with the laws thereof, anything in its articles of incorporation or by-laws to the contrary notwithstanding.

SEC. 79. *Existing Companies—Continue.*

Existing
companies
continue.

Every domestic insurance company previously organized, and licensed to transact insurance business in this state at the time this act goes into effect, is hereby recognized as an existing company, and shall have the right to continue such business under the provisions of this act: *Provided*, That any such company whose capital does not meet the requirements of this act shall have two years from the first day of January, nineteen hundred and twelve, in which to conform to the requirements of this act relating thereto: *Provided further*, That any such company whose charter or articles of incorporation permit it to make life, accident, health and liability insurance, and shall have been licensed to transact such business in this state prior to the first day of February, 1911, having a capital of not less than three hundred and fifty thousand dollars, shall be permitted to continue to transact such kind of business under the provisions of this act.

SEC. 80. *Policy Requirements—In Effect—When.*

Date for
qualifying.

Every insurance company admitted and doing business in this state, at the time this act goes into effect, shall have until the first day of January, nineteen hundred and twelve, in which to comply with the requirements of this act relating to policies or contracts of insurance.

SEC. 81. *Retiring Companies—Approval of Re-insurance.*

No insurance company, impaired, insolvent, or retiring from business in this state, shall re-insure its business in this state until its plan to effect such re-insurance shall have been first submitted to the commissioner, and approved by him, and no such re-insurance shall be effected in a company not admitted to this state. In effecting such re-insurance, the re-insuring company shall become liable to the original insured, for any loss or damage occurring under the policies re-insured, and shall, within a reasonable time, replace such policies with its own, or by indorsement thereon acknowledge liability thereunder; and, in case of cancellation, shall be liable to the original insured for all return premiums.

Retiring
companies.

SEC. 82. *Liability of Stockholders.*

Each stockholder of a domestic insurance company shall be individually and personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of such company accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The assets of such company shall be first applied in the payment and discharge of the debts and liabilities of the company and the remainder thereof remaining unpaid shall be paid by the stockholders, equally and ratably, and not one for another.

Liability
of stock-
holders.

SEC. 83. *Insurance Classified.*

All insurance business in this state is hereby classified as follows:

(1) Fire and marine insurance, upon buildings and other property against loss or damage by fire, lightning, wind storms, cyclones, tornadoes, hail, or earthquakes, water from the breakage or leakage of sprinklers, pumps, or other apparatus erected for extinguishing fires, and water pipes; and against accidental injury to such sprinklers, pumps or other apparatus; and against loss or damage arising from the prevention or suspension of rent or

Classifica-
tion.

use and occupation of any building, plant, or manufacturing establishment due to the hazard or peril insured against; and upon vessels, boats, cargoes, goods, merchandise, freight, and other property against loss or damage by the risks of lake, river, canal, and inland transportation and navigation; including insurance upon automobiles, whether stationary or being operated under their own power, and re-insurance of any risks taken in this class; but not upon ocean marine risks, and other casualty insurance risks.

(2) Marine insurance, including ocean and inland risks, transportation and automobiles, but not including any other casualty insurance as hereinafter provided.

(3) Life insurance, including endowments and annuities, but not including health or accident or sickness insurance, or any casualty insurance as hereinafter provided.

(4) Accident insurance, and either sickness or health insurance, including insurance against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness and every insurance appertaining thereto.

(5) Fidelity and surety insurance, including the guaranteeing of persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; or guaranteeing and executing all bonds, undertakings, and contracts of suretyship.

(6) Liability insurance, including all insurance against loss or damage resulting from accident to or injury, fatal or non-fatal, suffered by an employee or other person for and which the insured is liable.

(7) Plate glass insurance, including all insurance against breakage of glass, whether local or in transit.

(8) Boiler and machinery insurance, including insurance upon steam boilers, and upon pipes, engines and machinery connected therewith and operated thereby, against explosion and accident, and against loss or damage to life, person or property, resulting therefrom.

(9) Burglary insurance, including insurance against loss by burglary, house-breaking, or theft.

(10) Sprinkler insurance, including insurance against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes.

(11) Credit insurance, including insurance or guaranty either by agreement to purchase uncollectible debts, or otherwise to insure against loss or damage from the failure of persons indebted or to become indebted to the insured, or to meet existing or contemplated liabilities.

(12) Title insurance, insuring or guaranteeing owners of property, or others interested therein, against loss by encumbrance, or defective titles, or adverse claim to title, either together with or without examination of title, or furnishing information relative thereto.

Classification
continued.

(13) Team and vehicle insurance, including insurance against loss or legal liability for loss because of damage to property caused by the use of teams or vehicles, whether by accident or collision, or by explosion of any engine, tank, boiler, pipe or tire of any vehicle, and including insurance against theft of the whole or any part of any vehicle. The term vehicle, as here used, includes in addition to its ordinary meaning, elevators, automobiles and bicycles, but does not include ships, vessels, boats, nor railroad rolling stock.

(14) Miscellaneous insurance, including insurance upon any risk not included within or under either of the foregoing classes, and which is a proper subject of insurance, not prohibited by law or contrary to sound public policy.

SEC. 84. *Class or Classes of Insurance Permitted.*

Any insurance company having the required amount of capital, or assets, when permitted by its articles of incorporation or charter, may be authorized and licensed by the commissioner to make insurance in this state under one or more of the classes prescribed in the several paragraphs in section eighty-three of this act, as follows:

Insurance
permitted.

(1) Fire and Inland Marine Companies—Qualifications. No stock insurance company shall make insurance

in this state under class one of section eighty-three of this act, without having capital stock of at least two hundred thousand dollars, of which not less than one-half must be paid in in cash or like securities authorized by this act, and the remainder, in cash or like securities, paid within one year after the company is incorporated, and a surplus of not less than fifty thousand dollars, nor shall such company make insurance in this state, in any other of said classes of insurance specified in said section, except in classes two and thirteen; and is not to make insurance in class two without having additional capital of at least one hundred thousand dollars, and is not to make insurance in class thirteen in addition to class one without having additional capital of at least fifty thousand dollars; or in addition to classes one and two without having a capital stock of at least three hundred and fifty thousand dollars.

Relating
to capital
stock.

Additional
capital.

(2) Marine Insurance Company—Qualifications. No stock insurance company shall make insurance in this state under class two of section eighty-three without having a capital stock of at least one hundred thousand dollars fully paid and a surplus of not less than fifty thousand dollars, nor shall such company make insurance in this state in any other of said classes of insurance except in classes one and thirteen; nor make insurance in class one without having additional capital of at least one hundred thousand dollars; nor make insurance in class thirteen in addition to class two without having additional capital of at least fifty thousand dollars, nor in addition to classes one and two without having a capital stock of at least three hundred fifty thousand dollars.

Marine
insurance.

(3) Life Insurance Companies—Qualifications. No stock insurance company shall make insurance in this state under class three of section eighty-three without having a capital stock fully paid of at least one hundred thousand dollars with a surplus of not less than fifty thousand dollars, nor shall such company make insurance in this state in any other of said classes of insurance except in class four; nor to make insurance in class four without having

Life
insurance.

additional capital of at least fifty thousand dollars, except as provided in section 79 of this act.

(4) Title Insurance Companies—Qualifications. No company shall issue contracts of guaranty or title insurance in this state, under class twelve of section eighty-three, until and unless it deposit and maintain on deposit through the office of the insurance commissioner, with the state treasurer, a guaranty fund in securities authorized by this act as legal investments for the capital or funds of insurance companies, in amounts as follows: (a) In counties having a population of five hundred thousand or more as evidenced by the last official census of the United States or of the State of Washington, the guaranty fund shall be not less than two hundred thousand dollars; (b) In counties having a population of not less than three hundred thousand nor more than five hundred thousand, as evidenced by said census, the guaranty fund shall not be less than one hundred and fifty thousand dollars; (c) In counties having a population of not less than one hundred and fifty thousand nor more than three hundred thousand, as evidenced by said census, the guaranty fund shall not be less than one hundred thousand dollars; (d) In counties having a population of not less than one hundred thousand nor more than one hundred and fifty thousand, as evidenced by said census, the guaranty fund shall be not less than seventy-five thousand dollars; (e) In counties having a population of not less than sixty thousand nor more than one hundred thousand, as evidenced by said census, the guaranty fund shall be not less than fifty thousand dollars; (f) In counties having a population of not less than thirty-five thousand nor more than sixty thousand, as evidenced by said census, the guaranty fund shall be not less than twenty-five thousand dollars; (g) In counties having a population of not less than fifteen thousand nor more than thirty-five thousand, as evidenced by said census, the guaranty fund shall be not less than fifteen thousand dollars; (h) And in counties having a population of less than fifteen thousand, as evidenced by said

Title insurance.

Based on population.

Provisions
for less
population.

census, the guaranty fund shall be not less than ten thousand dollars. Any company authorized to issue contracts of guaranty, or title insurance in this state may be permitted to make title insurance in one or more counties having a less population than the county in which such company is authorized to make title insurance. The provisions of this act shall in no wise be interpreted to apply to persons, co-partnerships, or corporations engaged in the business of preparing and issuing abstracts of, but not guaranteeing or insuring, title to property and certifying to the correctness thereof.

Fidelity
insurance.

(5) Fidelity and Surety Insurance Companies—Qualifications. No stock insurance company shall make insurance in this state under class five of section eighty-three without having a capital stock fully paid of at least two hundred thousand dollars and a surplus of not less than one hundred thousand dollars, nor shall such company make insurance in this state in any other of said classes of insurance specified in section eighty-three, except in classes four, six, seven, nine, eleven, thirteen, and fourteen; and it shall not make insurance in class six without having additional capital of at least one hundred thousand dollars; such company may make insurance in classes seven, nine, eleven, thirteen, and fourteen when it has additional capital of at least fifty thousand dollars.

Liability
insurance.

(6) Liability Insurance Companies—Qualifications. No stock insurance company shall make insurance in this state under class six of section eighty-three without having a capital stock of at least two hundred thousand dollars fully paid and a surplus of not less than one hundred thousand dollars; nor shall such company make insurance in this state in any other of said classes of insurance specified in said section except in classes four, five, seven, nine, eleven, thirteen, and fourteen; and it shall not make insurance in class five without having additional capital of at least one hundred thousand dollars. Such company may make insurance in one or all of the following classes: Four, seven, nine, eleven, thirteen, or fourteen when it

has additional capital of at least fifty thousand dollars, except as provided in section 79 of this act.

(7) Other Companies—Requirements. No stock insurance company shall make insurance in this state in either of the following classes specified in section eighty-three: Four, seven, eight, nine, ten, eleven, thirteen, and fourteen, without having a capital stock of at least one hundred thousand dollars fully paid nor shall such company make insurance in more than one of said classes unless it shall have additional capital of not less than fifty thousand dollars: *Provided, however,* That the requirement of a surplus as provided in this section shall only apply to domestic insurance companies organizing and commencing to transact the business of making insurance and that such company may use such surplus in establishing the company in business without impairment of the company.

Capital
required.

(8) Assessment—Mutual—Fraternal Companies. The provisions of this section shall not apply to life or fire insurance companies operating on the mutual, or assessment, or fraternal plan.

Assessments.

SEC. 85. *Incorporation of Companies.*

The following number of citizens of the United States, two-thirds of which number shall be residents of the State of Washington, may incorporate a company as follows: For a stock company, not less than five; for a mutual company, not less than ten; for an organization on the plan known as "Lloyds," not less than twenty; for an organization of "Inter-Insurers," not less than twenty-five; for one or more of the purposes specified in section eighty-three of this act by making and subscribing written articles of incorporation in quadruplicate and acknowledging the same before an officer authorized to take acknowledgment of deeds, and after having the same approved by the commissioner, by filing one of such articles in the office of the secretary of state, another in the office of the insurance commissioner, another in the office of the auditor of the county in which the principal office of the company

Relating
to incor-
porating.

is to be located, and retaining the fourth in the possession of the company, which articles shall state:

First. The names and the addresses of the incorporators.

Second. The name of the company.

Kind of company.

Third. (a) The object for which the company is formed; (b) whether it is a stock or mutual company, and if a mutual company, whether it will insure on the cash premium or assessment plan; (c) the class or classes of risks wherein it will make insurance, according to the divisions made in this act.

Amount of capital stock.

Fourth. (a) If a stock company, the amount of the capital stock, and the number of shares, which shall be of the par value of one hundred dollars each; (b) if it be a mutual company, the minimum and maximum liability of its members or policy holders for the payment of losses occurring under its policies, which liability shall be not less than two nor more than six times the amount of the premium usually charged by solvent stock insurance companies for insuring like or similar risks for the same term, and if that premium is not known, then the premium used shall be according to either the "Dean" schedule or the "Universal Mercantile" schedule for fire risks, and such schedule for other class or classes of risks as may be approved by the commissioner.

Period of existence.

Fifth. The time of its existence, not to exceed fifty years: *Provided*, That this limit of existence shall not apply to any life insurance company.

Sixth. The number of trustees or directors, which shall not be less than five nor more than eleven, and their names and addresses, who shall manage the affairs of the company for such length of time, not less than two nor more than six months, as may be designated in such articles of incorporation.

Place of business.

Seventh. The name of the city or town in which the principal place of business of the company is to be located in this state, and in what country or countries it intends to transact business.

Amendments may be made to the articles of incorporation of a stock company, by a majority vote of its trustees or directors, and the vote or written assent of two-thirds of the capital stock of the company, and, if a mutual company, by the majority vote of its trustees or directors and the vote or written assent of two-thirds of the members or policy holders of such company. If the written assent of two-thirds of the capital stock of a stock company, or members or policy holders of a mutual company has not been obtained, then the vote of the said stock, or of said members may be taken, at any regular meeting of the stockholders or members called for that purpose in the manner provided in the by-laws of such company for special meetings of stockholders or members.

Amendment
requirements.

The president and secretary of said company shall certify said amendments in quadruplicate under the seal of said company to be correct, and shall file and keep the same as in the case of original articles of incorporation, and from the time of filing said amendments such company shall have the same powers, and the stockholders thereof shall be subject to the same liabilities as if said amendments had been embraced in the original articles of incorporation. A policy holder in a mutual insurance company has the same character of interest and occupies the same relation to the company as the stockholder has and occupies to a stock insurance company.

Relation of
policy
holder.

Nothing in this section shall be construed to cure or amend any defect existing in any articles of incorporation in that such articles did not set forth the matters required to make the same valid at the time of filing, nor to cure or amend any defect in the execution thereof. The time of existence of such company shall not be extended by amendments beyond the time fixed in the original articles of incorporation.

No such company shall take the name of a domestic company theretofore organized, nor that of an alien or foreign company admitted to this state, nor one so nearly resembling that of either as to be misleading. The ex-

Duplicate
names
prohibited.

penses of incorporation and organization, including the placing of the capital stock of any such company incorporated after January first, 1911, shall not exceed seven and one-half per centum of the par value of the stock actually sold.

SEC. 86. *Mutual Companies—Qualifications.*

Mutual
companies.

No domestic mutual insurance company hereafter formed under the laws of this state shall be authorized to transact business as an insurer until it shall have first qualified itself as follows:

First. If it is formed to transact as insurer, a general fire insurance business on the cash premium plan, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state, on property owned by the applicant, situate within this state, in separate risks of not to exceed two thousand dollars each, amounting in the aggregate to not less than five hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums actually received in cash, to an amount of at least eight thousand dollars and six thousand dollars must be on hand above all liabilities except re-insurance reserve, estimated on the *pro rata* basis, and premium liability due in installments as demanded, severally and unconditionally executed and delivered by a solvent applicant for the insurance he applies for, all in the aggregate amount, unimpaired, of not less than twenty-five thousand dollars: *Provided*, That when a mutual fire insurance company accumulates from its underwriting and earnings cash assets of not less than two hundred thousand dollars, of which amount not less than one hundred thousand dollars shall be surplus assets which it must maintain in securities deposited as required of domestic stock insurance companies, and while it maintains such surplus assets on deposit it may issue its policies without liability on the part of its policy holders, other than to pay the amount of the premium stated in the policy, and which premium

Relating
to surplus.

shall be not less than the premium charged by solvent stock companies for insuring similar risks. The company may classify its risks according to the various hazards covered, and any saving experienced by the company in loss ratio, expense of management, or from any other source, may be returned to the policy holders in the various classifications, according to the experience of the company in said classes and as determined by the board of directors of the company: *Provided*, That such saving must be apportioned equitably among the policy holders in the classifications in which it is actually earned.

Savings to
policy
holders.

Second. If it is formed to transact, as insurer, a fire insurance business under the cash premium plan on one stated specific kind or class of manufacturing, mercantile, or other business or property, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year on property owned by the applicant and situate within this state in separate risks of not to exceed two thousand dollars each, amounting in the aggregate to not less than three hundred thousand dollars; and must have, own, and possess in its own name and exclusive right, premiums received in cash to an amount of at least eight thousand dollars and six thousand dollars must be on hand, above all liabilities, except re-insurance, reserve, and premium liability, settled by premium notes due in installments as demanded, severally and unconditionally executed and delivered by a solvent applicant for the insurance he applies for to the aggregate amount of not less than twenty-five thousand dollars: *Provided*, That when any ten or more persons, partnerships, corporations, or associations engaged in a like class of manufacturing, mercantile or other business shall have organized a company hereunder, it may begin to issue policies under such conditions as may be provided by the board of trustees or managing board thereof, and shall be approved by the commissioners.

Capital re-
quirements.

Third. If it is formed to transact as insurer, a general fire insurance business on the assessment plan, it must have

Fire
insurance.

Relating
to require-
ments.

bona fide written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state on property owned by the applicant situate within this state in separate risks of not to exceed twelve hundred and fifty dollars each, and amounting in the aggregate to not less than five hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums on the insurance applied for, of which not less than fifty per centum thereof must be paid in cash to the aggregate amount of not less than four thousand dollars, which sum shall be on hand, above liabilities except re-insurance reserve, and the remainder and additional premium liability of the applicant must be paid as provided in the by-laws of the company: *Provided*, That any domestic fire insurance company doing business on the assessment plan and composed exclusively of members of a specified fraternal society, which conducts its business and secures its membership on the lodge system, having ritualistic form of work and ceremonies in such society shall be exempt from the provisions of this act governing the amount of insurance a company may carry on a single risk, financial qualifications, annual meeting, taxes, fees, and licenses, except that it shall pay for its annual license and filing its annual statement the sum of ten dollars.

Premiums
required.

Fourth. If it is formed to transact as insurer a fire insurance business on the assessment plan outside of incorporated towns in this state, it must have *bona fide* written applications severally signed by applicants for fire insurance for one year, and, on risks usually written for a term, not more than five years, from residents of this state on property owned by the applicant situate within this state in separate risks of not to exceed fifteen hundred dollars each, amounting in the aggregate to not less than two hundred thousand dollars; and must have, own, and possess in its own name and exclusive right premiums on the insurance applied for of which not less than fifty per centum thereof must be paid in cash and to be on

hand above liabilities except re-insurance reserve, and the remainder, and the additional premium liability of the applicant must be paid as provided in the by-laws of the company.

Fifth. If it is formed to transact business as inter-insurers only between the parties forming the company and all parties who shall become members and inter-insurers therein, no such company shall be formed nor transact any business as insurers until not less than twenty-five persons or parties, each of whom must be worth in his or its own right not less than twenty thousand dollars above all liabilities, in property located within this state, such fact to be determined by the commissioner, and in determining the same he may take the verified statement of such parties, and the signed reports of a reputable commercial agency having upwards of one hundred thousand subscribers, which person or parties shall first prescribe and adopt the terms and conditions upon which they will be governed and become inter-insurers each with the other, and each shall be individually liable with every other solvent member of such company to ratably pay and discharge all losses and legal claim accruing against such company: *Provided*, That the terms and conditions prescribed, adopted and entered into by such persons in becoming inter-insurers shall embrace the terms and conditions which experience of similar companies has found to be efficient and adequate to promptly and equitably pay and discharge its obligations of which the commissioner shall be the judge: *Provided further*, That the provisions of this paragraph shall only apply to inter-insurers associations hereafter organized or hereafter applying for admission and authority to transact business in this state as inter-insurers.

Incorporators must have certain amount.

Terms and conditions.

Sixth. If it is formed to transact business as insurer in this state upon the plan known as "Lloyds," no such company shall be formed with less than twenty persons or co-partnerships, citizens of the United States and two-thirds of them residents of this state, each of whom must be

"Lloyds" plan.

Commis-
sioner to
verify
statement.

worth not less than twenty thousand dollars above all liabilities in real property and securities such as an insurance company is authorized to invest its capital and funds in as provided in this act, such fact to be determined by the commissioner and in determining the same he may take the verified statement of such parties and the signed reports of a reputable commercial agency having upwards of one hundred thousand subscribers, which person or parties shall first prescribe and adopt the terms and conditions upon which they will be governed and become insurers. If such company be formed to transact business as insurer as specified in class one of section eighty-three of this act it must have not less than one hundred fifty thousand dollars, in *bona fide* unimpaired assets in excess of all liabilities, of which assets not less than seventy-five thousand dollars must be in cash and securities such as the funds of an insurance company may be invested in as provided in this act, and the remainder of said assets must consist of cash or such authorized securities, or the legal promissory notes severally made, signed, and delivered by solvent parties payable to the company whenever required for the payment and discharge of losses or legal obligations accruing against such company; and where notes are used to make up the amount of said assets the commissioner shall determine the sufficiency of each note, and he shall have the right to require that the payment of any note shall be secured by good and sufficient collateral, and it shall be his duty to require ample security to be furnished for the payment of such note when the makers thereof are not personally known by him to be solvent and good for the payment of the same. Such company shall deposit not less than two-thirds of its assets and keep the same on deposit through the insurance commissioner's office with the state treasurer in the same manner as deposits are required to be made and kept by stock insurance companies as provided in this act.

Deposit
required.

Such company may make insurance in any other class specified in said section eighty-three when permitted by

the commissioner upon furnishing additional assets of the kind herein specified in the amounts required of a stock insurance company to make insurance in like classes as provided by this act.

The plan, terms, and conditions prescribed and adopted by such company must be such as the experience of similar companies has found to be efficient and adequate to promptly and equitably pay and discharge its obligations and successfully conduct its business, of which the commissioner shall be the judge.

Commissioner to judge.

SEC. 87. *Mutual Company—By-Laws.*

The directors of a mutual insurance company shall adopt such by-laws, not in conflict with the laws of this state, as they may deem proper for the government of its officers and the conduct of its business. Said by-laws shall provide for the liability of its members or policy holders for the payment of its losses and expenses, which liability, including the amount of the premium, shall not be less than two times the amount of the premium nor more than six times the amount of the premium charged by solvent stock companies for like risks and terms. The by-laws shall limit the expenses to not more than forty per centum of the net premiums charged and collected for insurance, which expense must include all sums paid by the insured for his insurance including any membership, policy, survey, or inspection fee, or other fee or charge, if any.

Mutual company.

SEC. 88. *Qualifications—Foreign—Alien—Mutuals.*

No alien, or foreign mutual insurance company shall be licensed to make insurance in this state until it shall have accumulated from its underwriting business and earnings surplus assets of not less than one hundred thousand dollars, and shall have a re-insurance reserve computed on a *pro rata* basis, which surplus assets, if an alien, shall be maintained on deposit in a depository or depositories for insurance company funds in some state or states of the United States. Such company shall not carry insurance on a single risk for an amount in excess of ten per centum of its surplus assets, as shown by the last report to the in-

Foreign company requirements.

insurance commissioner, without protecting such excess by re-insurance in a solvent company.

SEC. 89. *Impairment—Reduction of Capital Stock.*

Reduction
of capital
stock.

When the capital stock of any domestic insurance company shall be impaired, it may reduce its capital stock as provided herein to such an amount as shall be justified by its assets; but no part of its assets shall be distributed to its stockholders, and no reduction shall be made except upon the vote of the stockholders approved by at least two-thirds of the directors and certified under the corporate seal by the secretary, a duly certified copy of which shall be filed in the office of the secretary of state, and in the office of the insurance commissioner, and in the office of the auditor of the county in which the principal office of the company is located, and one retained at the principal office of the company. The directors, after such reduction of capital, may require each stockholder to surrender his stock, and, in lieu thereof, may issue a new certificate for such number of shares as he shall be entitled to: *Provided*, That the capital of such company when so reduced shall not be less than the minimum capital required of a company to transact like business in this state.

SEC. 90. *Increase of Capital Stock.*

Increase
of stock.

Any domestic insurance company may at any time increase the amount of its capital stock, by giving notice once a week for four consecutive weeks, in any newspaper having a general circulation, published in the county where the company is located, of such intention; and by filing with the secretary of state a copy of such advertisement with due proof of publishing the same, together with the declaration under its corporate seal, signed by its president and two-thirds of its board of directors, and by the stockholders representing three-fourths of its capital stock, of their desire to increase the capital, and file like copies and proof in the office of the insurance commissioner, and in the office of the auditor of the county in which the principal office of such company is located, and retain a similar copy and proof in its principal office:

Provided, That such increase of capital stock shall be fully subscribed and paid for in lawful money of the United States within six months after the date of filing such papers in the office of the secretary of state, and, when said increase of capital shall have been fully subscribed and paid in full in cash, the president and secretary of such company shall make and verify under oath a certificate under the seal of the company stating that such increase in stock has been fully subscribed and paid in full in cash, as required by this act, and file such certificate in the office of the secretary of state and in the office of the insurance commissioner, and in the office of the auditor of the county in which the principal office of the company is located, and retain a similar copy in its principal office, and thereupon such increase in capital shall be effectual. Time limit.

SEC. 91. *Examination—Reserve—Liability.*

In ascertaining the condition of a fire insurance company, under the provisions of this act, or in any examination made by the commissioner, his deputy, or examiner, he shall allow as assets only such investments, cash, and accounts as are authorized by the laws of this state at the date of the examination, but unpaid premiums on policies written within three months shall be admitted as available resources. In ascertaining its liability, there shall be charged in addition to the capital stock and all outstanding claims, a sum equal to the total unearned premiums on the policies in force, computed on a *pro rata* basis. Examina-
tions.

SEC. 92. *Life—Legal Reserve.*

The commissioner shall annually make valuation of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance company doing business in this state; and all such valuations made by him or his authority shall be according to the standard of valuation adopted by the company: *Provided*, That in either case the standard of valuation employed shall be stated in his annual report: *Provided further*, That no such standard of valuation whether on the net level premium, preliminary term, or select and ultimate reserve basis, for Legal
reserve.

Standard of
valuation.

policies issued after the passage of this act shall be less than that determined upon such basis according to the American Experience Table of Mortality with three and one-half per centum interest. The commissioner may vary the standard of valuation in particular cases of invalid lives and other extra hazards: *Provided*, The same is on basis of at least three and one-half per centum, value policies in groups, use approximate average for fractions of a year, and assume as accurate the valuation of the department of insurance of any other state or country, if the insurance officer of such other state or country likewise accredits the valuation made by the commissioner of this state: *Provided*, That when the preliminary term basis is used it shall not exceed one year.

Tables.

The legal minimum standard for the valuation of annuities issued after January first, nineteen hundred and twelve, shall be "McClintock's Table of Mortality Among Annuitants," or the American Experience Table of Mortality, with interest at three and one-half per centum per annum, but annuities deferred ten or more years and written in connection with life or term insurance shall be valued in the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half per centum per annum.

Legal standard.

The legal minimum standard for the valuation of annuities issued after the first day of January, nineteen hundred and twelve, shall be the American Experience Table of Mortality with interest and three and one-half per centum per annum: *Provided*, That any life insurance company may voluntarily value its industrial policies written on the weekly premium payment plan according to the "Standard Industrial Mortality Table" or the "Sub-Standard Industrial Mortality Table."

Any life insurance company may voluntarily value its policies, or any class thereof, according to the American Experience Table of Mortality; or if industrial, at its option, according to the "Standard Industrial Mortality Table," or "Sub-Standard Industrial Mortality Table,"

at a lower rate of interest than that above prescribed but not lower than three per centum per annum, and in such case shall report the standards used by it in making the same, to the commissioner in its annual statement: *Provided*, That no such standards, if adopted, shall be abandoned without the consent of the commissioner first being obtained in writing.

Maintain
standard.

SEC. 93. *Investments Allowed—Life.*

In estimating the condition of any life insurance company, under the provisions of this act, or in any examination made by the commissioner, his deputy, or examiner, he shall allow as assets only such investments, cash, and accounts as are authorized by the laws of this state, at the date of examination, and shall charge as liabilities in addition to the capital stock, all outstanding indebtedness of the company; and the premium reserve on policies, and additions thereto in force computed according to the table of mortality and rate of interest prescribed in this act. The total assets invested and otherwise in every domestic life insurance company shall be held to be accumulations for the exclusive benefit of policy holders, and no payment to stockholders shall be made therefrom, until all obligations to policy holders, and creditors have been fully provided for including the reserve required by the preceding section of this act to be determined by the commissioner.

Investments
allowed.

SEC. 94. *Health—Reserve.*

The commissioner shall annually make valuations of all outstanding policies of every company insuring against disablement by sickness, on the net premium basis, according to the "British Friendly Society Tables, eighteen hundred and eighty," or the "Manchester Unity Friendly Society Tables," eighteen hundred and ninety-three to eighteen hundred and ninety-seven, with interest at three and one-half per centum per annum. He may, in his discretion, vary the standard in particular cases, and may also require additional reserve because of hazardous occupations, impairment of the lives of the insured or insufficient net premiums. This provision shall not apply to

Health
insurance.

Standard
may be
varied.

policies insuring for not longer than one year without privileges of renewal.

SEC. 95. *Liability—Reserve.*

The indebtedness for outstanding losses under insurance against loss or damage resulting from accident to or injuries suffered by an employee or other person and for which the insured is liable, and under insurance against loss from liability on account of the death of or injury to an employee not caused by the negligence of the employer, shall be determined as follows: Each corporation which writes policies covering any of said kinds of insurance shall include in the annual statement required by section twenty-six of this act a schedule of its experience thereunder, in the United States and foreign countries in the case of corporations organized in the United States, and in the United States only in the case of corporations organized outside of the United States, giving each calendar year's experience separately, and crediting or charging each item to the year in which the policy to which it relates was written, as follows: (1) the earned premiums on all such policies written during the period of ten years immediately preceding the date as of which the statement is made, being the gross premiums on all such policies including excess and additional premiums and premiums in course of collection, less return premiums and premiums on canceled policies, and less the unearned premiums on policies in force as shown in such annual statement; (2) the amount of all payments of whatsoever nature made by reason or on account of injuries covered by such policies written during said period. This amount shall include medical and surgical attendance, payments to claimants, legal expenses, salaries and expenses of investigators, adjusters, and field men, rents, stationery, telegraph and telephone charges, postage, salaries and expenses of office employees, home-office expenses, and all other payments made on account of such injuries, whether such payments are allocated to specific claims or are unallocated; (3) the number of suits being defended at the date as of which the statement is made under policies writ-

Provide
schedule.

Amounts
include.

Items
included.

ten during said period, except suits in which liability is not dependent upon negligence of the insured, and a charge of seven hundred and fifty dollars for each suit; (4) the number of deaths for which the insured are liable without proof of negligence, covered by policies written during said period, and not paid for at the date as of which the statement is made and a charge of the amount necessary to pay for such deaths; (5) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written during said period, and a charge equal to the present value of the estimated future payments; (6) the loss ratio determined from the foregoing as to each year separately, using as the divisor the earned premiums shown in item (1) and as the dividend the amount of payments shown in item (2) plus the amounts charged in items (3), (4) and (5); (7) the number of suits being defended at the date as of which the statement is made under policies written more than ten years prior to such date, except suits in which liability is not dependent upon negligence of the insured; (8) the number of deaths for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to the date as of which the statement is made, and not paid for at such date; (9) the number of unpaid claims at the date as of which the statement is made on account of non-fatal injuries for which the insured are liable without proof of negligence, covered by policies written more than ten years prior to such date.

All unallocated payments in item (2) made in a given calendar year subsequent to the first four years in which a corporation has been issuing such policies shall be distributed as follows: thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, ten per centum to the policies written in the second year preceding, ten per centum to the policies written in the third year preceding and five per centum to the policies written in the fourth year

Distribution.

preceding; and such payments made in the first four calendar years in which a corporation has been issuing such policies shall be distributed as follows: in the first calendar year one hundred per centum shall be charged to the policies written in that year; in the second calendar year fifty per centum shall be charged to the policies written in that year and fifty per centum to the policies written in the preceding year; in the third calendar year forty per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year and twenty per centum to the policies written in the second year preceding; and in the fourth calendar year thirty-five per centum shall be charged to the policies written in that year, forty per centum to the policies written in the preceding year, fifteen per centum to the policies written in the second year preceding and ten per centum to the policies written in the third year preceding, and a schedule showing such distribution shall be included in such annual statement.

Items
chargeable.

Each such corporation shall be charged with indebtedness for outstanding losses upon such policies determined as follows: (10) for all suits being defended under policies written more than ten years prior to the date as of which the statement is made, except suits in which liability is not dependent upon negligence of the insured; one thousand dollars for each suit; (11) for all suits being defended under policies written more than five years and less than ten years prior to the date as of which the statement is made, except suits in which the liability is not dependent upon negligence of the insured, seven hundred and fifty dollars for each suit; (12) for all deaths for which the insured are liable without proof of negligence covered by policies written more than five years prior to the date as of which the statement is made, the amount necessary to pay for such deaths; (13) for all unpaid claims on account of non-fatal injuries for which the insured are liable without proof of negligence under policies written more than five years prior to the date as of which the statement is made, the present value of the estimated future payments; (14) for the poli-

Segregations.

cies written in the five years immediately preceding the date as of which the statemnt is made an amount determined as follows: multiply the earned premiums of each of such five years as shown in item (1) by the loss ratio ascertained as in item (6) on all the policies written in the first five years of the said ten-year period, using as the divisor the sum of the earned premiums shown in item (1) for such first five years, and as the dividend the sum of the payments shown in item (2) for such first five years plus the sum of the charges in items (3), (4) and (5) for such first five years; but the ratio to be used shall in no event be less than fifty per centum at and after December thirty-first, nineteen hundred and eleven, nor less than fifty-one per centum at and after December thirty-first, nineteen hundred and twelve, nor less than fifty-two per centum at and after December thirty-first, nineteen hundred and thirteen, nor less than fifty-three per centum at and after December thirty-first, nineteen hundred and fourteen, nor less than fifty-four per centum at and after December thirty-first, nineteen hundred and fifteen, nor less than fifty-five per centum at and after December thirty-first, nineteen hundred and sixteen; and from the amount so ascertained in each of the last five years of said ten-year period deduct all payments made under policies written in the corresponding year as shown in item (2), and the remainder in the case of each year shall be deemed the indebtedness for that year: *Provided, however,* That if the remainder in the case of any year of the first three years of the five years immediately preceding the date as of which the statement is made shall be less than the sum of the three following items for that year at that date,—(a) the number of suits, except suits in which liability is not dependent upon negligence of the insured, being defended under policies written in that year, and a charge of seven hundred and fifty dollars for each suit; (b) the amount necessary to pay for all deaths for which the insured are liable without proof of negligence, covered by policies written in that year; and (c) the present value of estimated unpaid claims on account of non-fatal

Date to
report.

Report
to contain.

injuries for which the insured are liable without proof of negligence, covered by policies written in that year—then the sum of said items (a), (b) and (c) shall be the indebtedness for that year.

Annual
statement.

A corporation which has been issuing such policies for a period of less than ten years shall nevertheless include in its annual statement a schedule as hereinbefore required for the years in which it shall have issued such policies, and shall be charged with an indebtedness determined in the same manner; but in determining the indebtedness for policies written in the five years immediately preceding the date as of which the statement is made, the minimum ratios hereinbefore prescribed shall be used, subject to the same deductions and provisions as in the case of corporations that have been issuing such policies for ten years or more.

In estimating and ascertaining the assets, liabilities, and financial condition of all other insurance companies, not otherwise provided for by the provisions of this act, the commissioner, his deputy, or examiner shall allow as assets only such investments, cash, and accounts as are authorized by the existing laws of this state, or under the existing laws of the state or country under which such company is organized and which investments he may approve or reject, at the date of the investigation, and in estimating the liabilities there shall be added, in addition to the capital stock, all outstanding claims and a sum equal to the unearned premiums on the policies in force, calculated on the gross sum without any deduction on any account, charged to the policy holder on each respective risk from the date of the issuance of the policy.

Commis-
sioner may
form rules.

If the commissioner finds this rule to be impracticable in estimating and ascertaining the condition of certain kinds of insurance companies, he shall formulate such rules as he shall deem proper and efficient and consistent with law, having due regard to such rules as may be used in other states or approved by the National Convention of Insurance Commissioners or Superintendents: *Provided*, That in relation to the affairs of any foreign company, he may,

in lieu of such examination and investigation, accept a certificate of the insurance commissioner or superintendent of such state or district, as to its condition.

SEC. 96. *Valuations—Exceptions.*

The provisions of this act relating to the valuation of policies shall not apply to policies issued prior to the date at which this act goes into effect. Valuations.

SEC. 97. *Liabilities of Directors and Corporators.*

The directors, corporators, and organizers of any company organized under this act, and those entitled to a participation of the profits of such company, shall be jointly and severally liable for all debts or liabilities of such company, until it has qualified and been admitted to make insurance in this state. Liabilities.

SEC. 98. *Re-Insurance in Non-Admitted Alien Companies Prohibited.*

No insurance company authorized to transact business in this state and no manager or agent thereof shall reinsure, transfer, or cede in any manner whatsoever the whole or any part of its liability under a policy covering property within this state, except marine risks, in any alien company not having a duly appointed attorney in fact in the United States to accept service of legal process, or not admitted to transact business in the United States and having a deposit in some state in the United States. Re-insurance.

Any company, or manager, or agent who violates the provisions of this section, shall be fined in any sum not exceeding five hundred dollars, and the license of such company, manager or agent shall be revoked during the time such fine remains unpaid. Valuation and penalty.

SEC. 99. *Attorney General—Prosecuting Attorneys—Duties.*

In all proceedings instituted in any court, or otherwise, under the provisions of this act, it shall be and hereby is made the duty of the attorney general and of the several prosecuting attorneys throughout the state, to prosecute Legal advisor.

or defend all such proceedings when requested by the commissioner, his deputy, or examiner so to do.

SEC. 100. Brokerage—License Required—Agents May Exchange Business.

Brokerage.

Any person or party who solicits fire, marine, casualty, liability, or surety business to be placed in an insurance company other than represented by him shall be deemed and considered as transacting a brokerage business and shall be required to procure a broker's license: *Provided*, That nothing in this act shall be considered as prohibiting an exchange of business between duly licensed recording agents.

SEC. 101. Inspection Bureau.

Inspection bureau.

After the first day of January, nineteen hundred thirteen, the commissioner, if he deem it necessary for the detection and correction of errors or discovery of violations of this act in effecting insurance, if any be committed, may permit an inspecting or stamping bureau to be maintained under the supervision of a deputy commissioner for the purpose of inspecting all daily reports of fire insurance risks located in this state.

SEC. 102. General Penalties.

Penalties.

Any company or person who knowingly violates any provision of this act for which no penalty is provided, shall be deemed guilty of a misdemeanor and shall be punished as provided by law.

ARTICLE II.

FIRE AND MARINE.

SEC. 103. Over-Insurance—Unlawful.

Over insurance.

It shall be unlawful for any insurance company or any agent to knowingly issue any fire insurance policy upon property within this state for an amount which with any existing insurance exceeds the fair value of the property or of the interest of the insured therein, or for a longer time than for five years.

SEC. 104. Over-Insurance—Procuring—Unlawful.

It shall be unlawful for any party having an insurable interest in property located in this state to knowingly pro-

cure any fire insurance policy upon his interest in such property for an amount in excess of the fair value of his interest in the property, or for an amount which, with any existing insurance thereon, exceeds the fair value of his interest in the property.

Procuring
unlawful.

SEC. 105. *Over-Insurance—Penalties.*

Every insurer who makes insurance upon any building or property or interest therein against loss or damage by fire, and every agent who issues a fire insurance policy covering on any building or property or interest therein, and every insured who procures a policy of fire insurance upon any building or property or interest therein owned by him, is presumed to know the insurable value of such building or property or interest therein at the time such insurance is effected. Any insurer who knowingly makes insurance on any building or property or interest therein against loss or damage by fire in excess of the insurable value thereof, shall be fined in a sum not less than fifty dollars nor more than one hundred dollars. Any agent who knowingly effects insurance on a building or property or interest therein in excess of the insurable value thereof, shall be fined in a sum not less than fifteen nor more than twenty-five dollars. Any person or party who knowingly procures insurance against loss or damage by fire on any building or property or interest therein owned by him in excess of its insurable value shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars.

Fine \$50.00
to \$100.00.

SEC. 105½. Whenever any policy of insurance shall be hereafter written or renewed insuring real property or any building or structure erected thereon or connected therewith, and the property insured shall be wholly destroyed, without criminal fault on the part of the insured, or his assigns, the amount of insurance written in such policy shall be taken conclusively to be the true value of the property when insured, and the true amount of the loss and measure of damages when destroyed. In case there is a partial destruction of the property insured, no greater amount shall be collected than the injury sustained: *Pro-*

Total
loss.

Option.

vided, That the insurer shall have the option to repair, rebuild or replace the property lost or damaged with other of like kind and quality if he gives notice of his intention so to do within twenty days after the receipt of notice of loss: *Provided*, Such insurer shall, within thirty days from the receipt of notice above, commence such rebuilding or replacing and shall diligently prosecute the same to completion, and shall pay to the insured the reasonable rental value of the premises with the buildings thereon from the date of loss to the date of such completion.

SEC. 106. *Policy Standard Form—What to Contain.*

Policy, what to contain.

On and after January first, nineteen hundred and twelve, no fire insurance company shall issue any fire insurance policy covering on property or interest therein in this state other than on form known as the New York Standard as now or may be hereafter constituted, except as follows:

First. A company may print on or in its policy its name, location and date of incorporation, plan of operation, whether stock or mutual, and if mutual whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid-up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "This policy shall not be valid until countersigned by the duly authorized agent of the company at," and, if a mutual company, must state the contingent mutual liability of its policy holders or members for payment of losses and expenses not provided for by its cash funds until it shall have accumulated surplus assets of not less than fifty thousand dollars, which it must maintain in securities deposited as required of stock companies, and, while it maintains such surplus assets on deposit, it may issue its policies with the statement thereon that the liability of the policy holder is limited to the premium paid, as hereinafter provided.

Surplus assets.

Second. A company may print or use in its policies printed forms of description and specifications of the property insured.

Third. A company insuring against damage by light-

ning may print in the clause enumerating the perils insured against, the additional words, "also any damage by lightning whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other insurance the words, "whether by fire, lightning or both."

Additional
clause.

Fourth. A domestic company may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign or alien company may, with the approval of the commissioner, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this state; but the commissioner shall require any provision which, in his opinion, modifies the contract of insurance in such a way as to affect the question of loss to be appended to the policy by an endorsement or rider as hereinafter provided.

Fifth. The blanks in said standard form may be filled in in print or writing.

Sixth. A company may print upon policies issued in compliance with the preceding provisions of this section the words, "Washington Standard Policy."

May print
on policy.

Seventh. A company may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the Standard Form; and all such slips, riders, endorsements, and provisions must be signed by the officers or agents of the company so using them.

Riders
attached.

Eighth. If the policy be made by a mutual or other company having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance such regulation shall apply to and form a part of the policy as the same may be written or printed upon, attached, or appended thereto.

Ninth. If the policy be made by a company operating on the plan known as "Lloyds" it shall have the name and address of each underwriter printed on the back of the policy.

Tenth. Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the company making such insurance be a stock, or mutual company, or "Lloyds," or Inter-Insurers Association.

Noon
defined.

The word "noon" occurring in the policy shall be construed to be the noon of standard time of the place where the property covered by the policy is situated.

SEC. 107. *Limitation of Risk.*

No insurance company authorized to transact business in this state, unless otherwise provided by this act, shall insure a single risk, or a single block in the congested district of any city or town, for a larger amount than one-tenth of its paid-up capital in the United States, unless it provides for re-insurance of the excess simultaneously with the original contract; and if any insurance company violates this provision, the commissioner may revoke its authority to transact business in this state.

SEC. 108. *Policy—Cancelled—Return Premium.*

Policy
cancelled.

Any fire insurance policy may be cancelled at any time by the insurer giving the insured or his representative in charge of the property insured, and the mortgagee, if the insurance is for the benefit of the mortgagee, five days notice of such cancellation, and if the premium has been actually paid, by paying in cash or mailing by registered letter with proper postage affixed thereto, addressed to the insured at his usual or last known post office address, a post office or express company money order or bank draft for the return premium computed at *pro rata* rate for the time the insurance has yet to run, or customary short rate where the insurance is cancelled by the insured, or, where the premium has not been paid, by the insured giving the insurer or its agent or agency who issued the policy notice of such cancellation and paying the premium for the time the insurance has been in force computed at the customary short rate: *Provided*, That in case the insurer is a mutual company, such cancellation shall not relieve the insured from his statutory liability in common with every other

Payment,
how made.

policy holder of such company for losses sustained by such company at or prior to the time of the cancellation.

SEC. 109. *Premium—To Be Stated.*

Every fire insurance policy must state on its face the amount and the rate of the premium. Premium stated.

SEC. 110. *Foreign Inter-Insurance.*

Associations of individuals, citizens of the United States, incorporated within the United States to transact business as inter-insurers only between the parties forming the association, and all parties forming the association and all parties who shall become members and inter-insurers therein, may be authorized to transact insurance in this state in like manner and upon the same terms and conditions as required of domestic inter-insurance associations. Foreign inter-insurance.

SEC. 111. *Demoralization of Business—Prohibited.*

Any company which precipitates, or aids in precipitating or conducting a rate war and by so doing writes or issues a policy of insurance at a less rate than permitted under their schedules filed with the commissioner, or below the rate deemed by him to be proper and adequate to cover the class of risk insured, shall have its license, and those of its agents, to do business in this state, suspended until such time as the commissioner is satisfied that it is charging a proper rate of premium. Rat. war prohibited.

SEC. 112. *Rate War—Offending Company—Agent's Commission.*

Any company which has precipitated, or aided in precipitating or conducting a rate war for the purpose of punishing or eliminating competitors or stifling competition, or demoralizing the business, or for any other purpose, and has ordered the cancellation or re-writing of policies at a rate lower than that provided by its rating schedules where such rate war is not in operation, and has paid or attempted to pay to the assured any return premium, on any risk so to be re-written, on which their agent has received or is entitled to receive his regular commission, such company shall not be allowed to charge back to such agent Offending company.

any portion of his commission on the ground that the same has not been earned.

SEC. 113. *Adjuster to Report Violations.*

Adjuster
report.

Every adjuster, who investigates any loss claim in this state, shall ascertain whether there be double or over-insurance upon such risk and the facts and circumstances so far as practical pertaining to the origin or happening of the hazard or peril insured against, and in case he believes fraud has been committed or attempted to be committed, he shall promptly report the premises to the commissioner, and in case of fire insurance, to the fire marshal as well.

SEC. 114. *Insurable Interest in a Ship.*

Insurable
interest.

The owner of a ship has in all cases an insurable interest in it, even when it has been chartered by one who covenants to pay him its value in case of loss.

SEC. 115. *Interest Reduced by Bottomry.*

Bottomry.

The insurable interest of the owner of a ship hypothecated by bottomry is only the excess of its value over the amount secured by bottomry.

SEC. 116. *Freight—What.*

Defining
freight.

Freight, in the sense of a policy of marine insurance, signifies all the benefit derived by the owner, either from the chartering of the ship or its employment for the carriage of his own goods or those of others.

SEC. 117. *Expected Freight.*

Expected
freight.

The owner of a ship has an insurable interest in expected freight which he would have certainly earned but for the intervention of the peril insured against.

SEC. 118. *Interest in Expected Freight—What.*

Defining
various
insurable
interests.

The interest mentioned in the last section exists, in the case of a charter party, when the ship has broken ground on the chartered voyage, and if a price is to be paid for the carriage of goods when they are actually on board or there is some contract for putting them on board, and both ship and goods are ready for the specified voyage.

SEC. 119. *Insurable Interest in Profits.*

One who has an interest in the thing from which profits are expected to proceed, has an insurable interest in the profits.

SEC. 120. *Insurable Interest of Charterer.*

The charterer of a ship has an insurable interest in it, Charterer.
to the extent that he is liable to be damnified by its loss.

SEC. 121. *Information—Communicated.*

In marine insurance each party is bound to communicate, in good faith, all facts within his knowledge which are, or which he believes to be, material to the contract, and which the other has not the means of ascertaining, and as to which he makes no warranty, and all the information which he possesses, material to the risk, except that neither party to a contract of marine insurance is bound to communicate information of the matters following, unless it Information communicated.

First. Those which the other knows;

Second. Those which, in the exercise of ordinary care, the other ought to know, and of which the former has no reason to suppose him ignorant;

Third. Those of which the other waives communication;

Fourth. Those which prove or tend to prove the existence of a risk excluded by a warranty, and which are not otherwise material; and

Fifth. Those which relate to a risk excepted from the policy, and which are not otherwise material.

He shall also state the exact and whole truth in relation to all matters that he represents, or upon inquiry assumes to disclose.

SEC. 122. *Material Information.*

In marine insurance, information of the belief or expectation of a third person, in reference to a material fact, is material. Material information.

SEC. 123. *Presumption of Knowledge of Loss.*

Knowledge
of loss.

A person insured by a contract of marine insurance is presumed to have had knowledge, at the time of insuring, of a prior loss, if the information might possibly have reached him in the usual mode of transmission, and at the usual rate of communication.

SEC. 124. *Concealment Affecting Risk Only.*

Concealment.

A concealment in a marine insurance, in respect of any of the following matters, does not vitiate the entire contract, but merely exonerates the insurer from a loss resulting from the risk concealed;

First. The national character of the insured.

Second. The liability of the thing insured to capture and detention;

Third. The liability to seizure from breach of foreign laws of trade;

Fourth. The want of necessary documents; and,

Fifth. The use of false and simulated papers.

SEC. 125. *Intentional Falsity—Effect.*

Intentional
falsity.

If a representation, by a person insured under a contract of marine insurance, is intentionally false in any respect, whether material, or immaterial, the insurer may rescind the entire contract.

SEC. 126. *Representation of Expectation.*

Expectation.

The eventual falsity of a representation as to expectation does not, in the absence of fraud, avoid a contract of insurance.

SEC. 127. *Seaworthiness—Warranty.*

Seaworthi-
ness.

In every marine insurance upon a ship or freight, or freightage, or upon anything which is the subject of marine insurance, a warranty is implied that the ship is seaworthy.

SEC. 128. *Seaworthiness—What.*

Seaworthi-
ness.

A ship is seaworthy when reasonably fit to perform the services, and to encounter the ordinary perils of the voyage, contemplated by the parties to the policy.

SEC. 129. *Seaworthiness—Compliance With—Exceptions.*

An implied warranty of seaworthiness is complied with if the ship be seaworthy at the time of the commencement of the risk, except in the following cases:

First. When the insurance is made for a specified length of time, the implied warranty is not complied with, unless the ship be seaworthy at the commencement of every voyage she may undertake during that time; and,

Second. When the insurance is upon the cargo, which, by the terms of the policy, or the description of the voyage, or the established custom of the trade, is to be trans-shipped at an intermediate port, the implied warranty is not complied with, unless each vessel upon which the cargo is shipped, or trans-shipped, be seaworthy at the commencement of its particular voyage. Trans-shipment.

SEC. 130. *Seaworthiness—Constitute—Things.*

A warranty of seaworthiness extends not only to the condition of the structure of the ship itself, but requires that it be properly laden, and provided with a competent master, a sufficient number of competent officers and seamen, and the requisite appurtenances and equipments, such as ballast, cables, and anchors, cordage, and sails, food, water, fuel, and lights, and other necessary or proper stores and implements for the voyage. Warranty.

SEC. 131. *Seaworthiness—Degrees—Stages—Voyage.*

Where different portions of the voyage contemplated by a policy, differ in respect to the things requisite to make the ship seaworthy therefor, a warranty of seaworthiness is complied with if, at the commencement of each portion, the ship is seaworthy with reference to that portion. Degrees.

SEC. 132. *Unseaworthiness During Voyage.*

When a ship becomes unseaworthy during the voyage to which an insurance relates, an unreasonable delay in repairing the defect exonerates the insurer from liability from any loss arising therefrom. Unseaworthiness.

SEC. 133. *Seaworthiness—As to Insurance on Cargo.*

Cargo. A ship which is seaworthy for the purpose of an insurance upon the ship may, nevertheless, by reason of being unfitted to receive the cargo, be unseaworthy for the purpose of insurance upon the cargo.

SEC. 134. *Neutral Papers.*

Neutral papers. Where the nationality or neutrality of a ship or cargo is expressly warranted, it is implied that the ship will carry the requisite documents to show such nationality or neutrality, and that it will not carry any documents which cast reasonable suspicion thereon.

SEC. 135. *Voyage Insured—Determined.*

Voyage. When the voyage contemplated by a policy is described by the places of beginning and ending, the voyage insured is one which conforms to the course of sailing fixed by mercantile usage between those places.

SEC. 136. *Sailing—Course—Determined.*

Course of sailing. If the course of sailing is not fixed by mercantile usage, the voyage insured by a policy is the way between the places specified which, to a master of ordinary skill and discretion, would seem the most natural, direct, and advantageous.

SEC. 137. *Deviation—What.*

Deviation. Deviation is a departure from the course of the voyage insured, mentioned in the last two sections, or an unreasonable delay in pursuing the voyage, or the commencement of an entirely different voyage.

SEC. 138. *Deviation—Proper.*

A deviation is proper:

Deviation permitted. First. When caused by circumstances over which neither the master nor the owner of the ship has any control;

Second. When necessary to comply with a warranty, or to avoid a peril, whether insured against or not;

Third. When made in good faith, and upon reasonable grounds of belief in its necessity to avoid a peril; or,

Fourth. When made in good faith, for the purpose of saving human life, or relieving another vessel in distress.

SEC. 139. *Deviation—Improper.*

Every deviation not specified in the last section is improper. Improper.

SEC. 140. *Proper Deviation Exonerates—Insurer,*

An insurer is not liable for any loss happening to a thing insured subsequently to an improper deviation. Exoneration.

SEC. 141. *Total—Partial—Loss.*

A loss may be either total or partial. Loss.

SEC. 142. *Actual and Constructive Total Loss.*

A total loss may be either actual or constructive. Constructive loss.

SEC. 143. *Actual Total Loss—What.*

An actual total loss is caused by:

First. A total destruction of the thing insured; Total loss.

Second. The loss of the thing by sinking, or by being broken up;

Third. Any damage to the thing which renders it valueless to the owner for the purposes for which he held it; or,

Fourth. Any other event which entirely deprives the owner of the possession, at the port of destination, of the thing insured.

SEC. 144. *Constructive Total Loss.*

A constructive total loss is one which gives to a person insured a right to abandon, as hereinafter provided. Defining losses.

SEC. 145. *Actual Loss—Presumed.*

An actual loss may be presumed from the continued absence of a ship without being heard of; and the length of time which is sufficient to raise this presumption depends on the circumstances of the case. Actual loss.

SEC. 146. *Insurance—Cargo—Voyage—Broken.*

When a ship is prevented, at an intermediate port, from completing the voyage, by the perils insured against, the master must make every exertion to procure, in the same or a contiguous port, another ship, for the purpose of conveying the cargo to its destination; and the liability of a marine insurer thereon continues after they are thus re-shipped. Voyage changed.

SEC. 147. *Reshipment—Cost, Etc.*

Re-shipment. In addition to the liability mentioned in the last section, a marine insurer is bound for damages, expenses of discharging, storage, re-shipment, extra freight, and all other expenses incurred in saving cargo re-shipped pursuant to the last section, up to the amount insured.

SEC. 148. *Insurer—Entitled—Payment—When.*

Abandonment. Upon an actual total loss, a person insured is entitled to payment without notice of abandonment.

SEC. 149. *Average Loss.*

Average loss. Where it has been agreed that an insurance upon a particular thing, or class of things, shall be free from particular average, a marine insurer is not liable for any particular average loss not depriving the insured of the possession, at the port of destination, of the whole of such thing, or class of things, even though it become entirely worthless; but he is liable for his proportion of all general average loss assessed upon the thing insured.

SEC. 150. *Insurance Against Total Loss.*

Extent of total loss. An insurance confined in terms to an actual total loss, does not cover a constructive total loss, but covers any loss which necessarily results in depriving the insured of the possession, at the port of destination, of the thing insured.

SEC. 151. *Abandonment—What.*

Abandonment. Abandonment is the act by which, after a constructive total loss, a person insured by contract of marine insurance declares to the insurer that he relinquishes to him his interest in the thing insured.

SEC. 152. *Insured May Abandon.*

A person insured by a contract of marine insurance may abandon the thing insured, or any particular portion thereof separately valued by the policy, or otherwise separately insured, and recover for a total loss thereof, when the cause of the loss is a peril insured against:

First. If more than half thereof in value is actually lost, or would have to be expended to recover it from the peril;

Second. If it is injured to such an extent as to reduce its value more than one-half;

Third. If the thing insured, being a ship, the contemplated voyage cannot be lawfully performed without incurring an expense to the insured of more than half the value of the thing abandoned, or without incurring a risk which a prudent man would not take under the circumstances; or,

Fourth. If the thing insured, being cargo or freight, the voyage cannot be performed nor another ship procured by the master, within a reasonable time and with reasonable diligence, to forward the cargo, without incurring the like expense or risk. But freight cannot in any case be abandoned, unless the ship is also abandoned.

Both
freight and
ship abandon-
ed.

SEC. 153. *Abandonment—Unqualified.*

An abandonment must be neither partial nor conditional.

Aban-
donment
complete.

SEC. 154. *Abandonment—When May Be.*

Abandonment must be made within a reasonable time after the information of the loss, and after the commencement of the voyage, and before the party abandoning has information of its completion.

Time of
abandon-
ment.

SEC. 155. *Abandonment—When Defeated.*

Where the information upon which an abandonment has been made proves incorrect, or the thing insured was so far restored when the abandonment was made that there was then in fact no total loss, the abandonment becomes ineffectual.

Abandon-
ment in-
effectual.

SEC. 156. *Abandonment—How Made.*

Abandonment is made by giving notice thereof to the insurer, which may be done orally, or in writing.

Notice.

SEC. 157. *Notice—Requisition of.*

A notice of abandonment must be explicit, and must specify the particular cause of the abandonment, but need state only enough to show that there is probable cause therefor, and need not be accompanied with proof of interest or of loss.

Notice.

SEC. 158. *Abandonment—Sustained—Cause Specified.*

An abandonment can be sustained only upon the cause specified in the notice thereof.

SEC. 159. *Abandonment—Effect.*

An abandonment is equivalent to a transfer, by the insured, of his interest, to the insurer, with all the chances of recovery and indemnity.

SEC. 160. *Abandonment—Formal Waiver.*

Entitled to salvage.

If a marine insurer pays for a loss as if it were an actual total loss, he is entitled to whatever may remain of the thing insured, or its proceeds, or salvage, as if there had been a formal abandonment.

SEC. 161. *Agent—Insured—Become Agent—Insurer.*

Upon an abandonment, acts done in good faith by those who were agents of the insured in respect to the thing insured, subsequent to the loss, are at the risk of the insurer, and for his benefit.

SEC. 162. *Acceptance Not Necessary.*

An acceptance of an abandonment is not necessary to the rights of the insured, and is not to be presumed from the mere silence of the insurer, upon his receiving notice of abandonment.

SEC. 163. *Acceptance Conclusive.*

Acceptance conclusive.

The acceptance of an abandonment, whether expressed or implied, is conclusive upon the parties, and admits the loss and the sufficiency of the abandonment.

SEC. 164. *Abandonment—Accepted—Irrevocable.*

An abandonment once made and accepted is irrevocable, unless the ground upon which it was made proves to be unfounded.

SEC. 165. *Abandonment—Freight—Affected.*

On an accepted abandonment of a ship, freight earned previous to the loss belongs to the insurer thereof; but freight subsequently earned belongs to the insurer of the ship.

SEC. 166. *Refusal to Accept.*

If an insurer refuses to accept a valid abandonment, he is liable as upon an actual total loss, deducting from the amount any proceeds of the thing insured which may have come to the hands of the insured. Refusal
to accept.

SEC. 167. *Omission to Abandon.*

If a person insured omits to abandon, he may nevertheless recover his actual loss.

SEC. 168. *Valuation—When Conclusive.*

A valuation in a policy of marine insurance is conclusive between the parties thereto in the adjustment of either a partial or total loss, if the insured has some interest at risk, and there is no fraud on his part; except that when a thing has been hypothecated by bottomry or respondentia, before its insurance, and without the knowledge of the person actually procuring the insurance, he may show the real value. But a valuation fraudulent in fact entitles the insurer to rescind the contract. Valuation.

SEC. 169. *Loss—Partial.*

A marine insurer is liable upon a partial loss only for such proportion of the amount insured by him as the loss bears to the value of the whole interest of the insured in the property insured.

SEC. 170. *Profits.*

When profits are separately insured in a contract of marine insurance, the insured is entitled to recover, in case of loss, a proportion of such profits equivalent to the proportion which the value of the property lost bears to the value of the whole. Profits.

SEC. 171. *Valuation—Apportioned.*

In case of a valued policy of marine insurance on freight or cargo, if a part only of the subject is exposed to risk, the valuation applies only in proportion to such part.

SEC. 172. *Valuation—Profits.*

When profits are valued and insured by a contract of marine insurance, a loss of them is conclusively presumed

from a loss of the property out of which they were expected to arise, and the valuation fixes their amount.

SEC. 173. *Estimating Loss—Open Policy.*

Estimating
loss.

In estimating a loss under an open policy of marine insurance, unless otherwise provided in the policy, the following rules are to be observed:

First. The value of a ship is its value at the beginning of the risk, including all articles or charges which add to its permanent value, or which are necessary to prepare it for the voyage insured;

Value of
cargo.

Second. The value of the cargo is its actual cost to the insured, when laden on board, or where that cost cannot be ascertained, its market value at the time and place of lading, adding the charges incurred in purchasing and placing it on board, but without reference to any losses incurred in raising money for its purchase, or to any drawback on its exportation or to the fluctuations of the market at the port of destination, or to expenses incurred on the way or on arrival;

Third. The value of freight is the gross freight, exclusive of primage, without reference to the cost of earning it; and,

Fourth. The cost of insurance is in each case to be added to the value thus estimated.

SEC. 174. *Arrival—Damaged.*

Arrival
damaged.

If the cargo insured against partial loss arrives at the port of destination in a damaged condition, unless otherwise provided in the policy, the loss of the insured is deemed to be the same proportion of the value which the market price at that port, of the thing so damaged, bears to the market price it would have brought if sound.

SEC. 175. *Insurer—Liable—Expenses.*

Liability.

A marine insurer is liable for all the expenses attendant upon a loss which forces the ship into port to be repaired; and where it is agreed that the insured may labor for the recovery of the property, the insurer is liable for the expense incurred thereby, such expense, in either case, being in addition to a total loss if that afterwards occurs.

SEC. 176. *Insurer—Liable — Contribution — General Average.*

A marine insurer, unless otherwise provided in the policy, is liable for a loss falling upon the insured, through a contribution in respect to the thing insured, required to be made by him toward a general average loss called for by a peril insured against.

SEC. 177. *Contribution.*

Where a person insured by a contract of marine insurance has a demand against others for contribution, he may claim the whole loss from the insurer, subrogating him to his own right to contribution. But no such claim Claims. can be made upon the insurer after the separation of the interests liable to contribution, nor when the insured, having the right and opportunity to enforce contribution from others, has neglected or waived the exercise of that right.

SEC. 178. *One-Third—New—Old.*

In the case of a partial loss of a ship or its equipment, the old materials are to be applied towards payment for the new, and whether the ship is new or old, a marine insurer is liable for only two-thirds of the remaining cost of the repairs, except that he must pay for anchors and cannon in full, and for sheathing metal at a depreciation of only two and one-half per centum for each month that it has been fastened to the ship. Per cent. of liability.

SEC. 179. *Other Laws—Usages Made Applicable by Contract.*

A policy of marine insurance may provide that it shall be interpreted and applied according to the laws, usages and practices of any other government, and when so provided the policy shall be interpreted and applied according to the laws, usages and practices of such government.

ARTICLE III.

LIFE, HEALTH AND ACCIDENT.

SEC. 180. *Discrimination Prohibited.*

No life insurance company doing business in this state shall make or permit any distinction or discrimination in favor of individuals, between insurants of the same class and equal expectation of life, in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; nor shall any company or agent, sub-agent, or broker, make any contract of insurance or agreement as to such contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or agent, sub-agent, or broker, pay or allow, or offer to pay or allow, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any other valuable consideration or inducement whatsoever not specified in the policy contract of insurance.

No life insurance company shall issue in this state, nor permit its agents, officers, or employees to issue in this state, agency company stock, or other stock or securities, or any special or advisory board contract, or other contract of any kind promising returns and profits, as an inducement to insurance; and no life insurance company shall be authorized, nor permitted to do business, in this state, which issues or permits its agents, officers, or employees, to issue in this state or in any other state or territory, agency company stock, or other stock or securities, or any special advisory board contract, or other contract of any kind promising returns and profits, as an inducement to insurance; and no corporation or stock company, acting as agent of a life insurance company nor any of its agents, officers, or employees, shall be permitted to agree to sell, offer to sell, or give or offer to give, directly or indirectly,

Discrimination prohibited.

No special contracts.

in any manner whatsoever, any share of stock, securities, bonds, or agreement of any form or nature, promising returns and profits, as an inducement to insurance or in connection therewith.

SEC. 181. *Policies—By Whom Signed.*

All life insurance policies delivered in this state shall be signed by the secretary or assistant secretary; or, in their absence, by a secretary *pro tempore*, and by the president or vice-president, or, in their absence, by two directors, of the company issuing same.

Policies,
who sign.

SEC. 182. *Medical Examination Must Be Made.*

No life insurance company organized under the laws of, or doing business in, this state, shall enter into any contract of insurance upon lives within this state, except industrial insurance or where premiums are payable monthly or oftener, without having previously made, or caused to be made, a prescribed medical examination of the insured by a legally qualified practicing physician.

Medical-ex-
amination.

SEC. 183. *Policy Must Be Filed.*

On and after January first, nineteen hundred twelve, no policy of life or endowment insurance shall be issued or delivered in this state until a copy of the form thereof has been filed at least thirty days with the commissioner, unless before the expiration of said thirty days the commissioner shall have approved the same in writing; nor if the commissioner notifies the company in writing, that, in his opinion, the form of said policy does not comply with the requirements of the laws of this state, specifying the reasons for his opinion: *Provided*, That upon the petition of the company the opinion of the commissioner shall be subject to review by any court of competent jurisdiction.

Form filed.

SEC. 184. *Terms of Policy.*

No life insurance policy, except policies of industrial insurance or where the premiums are payable monthly or oftener, shall be issued or delivered in this state on and after January first, nineteen hundred and twelve, unless it contains in substance the following provisions:

Terms.

(1) A provision that the insured is entitled to a grace of at least thirty days within which the payment of any premium after the first year may be paid, subject, at the option of the company, to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium, during which period of grace the policy shall continue in force, but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the policy year, if any, are paid, the amount of such premiums, with interest on any overdue premium, may be deducted from any amount payable under the policy in settlement.

Provisions.

(2) A provision that [the] policy, so far as it relates to life or endowment insurance, shall be incontestable after two years from its date of issue except for non-payment of premiums, and except for violation of the conditions of the policy relating to military or naval service in time of war.

(3) A provision that the policy and the application therefor shall constitute the entire contract between the parties and that all statements made by the insured shall, in the absence of fraud, be deemed representations and not warranties.

Provisions
continued.

(4) A provision that if the age of the insured has been mis-stated the amount payable under the policy shall be such as the premium would have purchased at the correct age.

(5) A provision that the policy shall participate in the surplus of the company annually or quinquennially.

(6) A provision specifying the option to which the policy holder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid.

(7) A provision that after the policy has been in force for three full years, the company at any time, while the policy is in force, will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a specified rate of interest not exceeding six per centum

per annum, a sum equal to, or at the option of the owner of the policy less than, ninety per centum of the reserve at the end of the current policy year on the policy and on any dividend additions thereto, less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto; and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy year and may collect interest in advance on the loan to the end of the current policy year; which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made.

(8) A table showing in figures the loan value, if any, and the options available under the policy each year upon default in premium payments, during at least the first twenty years of the policy, or for its life if maturity is less than twenty years, beginning with the year in which such values and options first become available.

Default in
payments.

(9) In case the proceeds of a policy are payable in installments or as an annuity, a table showing the amounts of the installments or annuity payments.

(10) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from the date of default, unless the cash value has been duly paid, or the extension period expired, upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at a rate not exceeding six per centum per annum payable annually.

Reinstated.

Any of the foregoing provisions or portions thereof not applicable to single premium or non-participating or term policies shall to that extent not be incorporated therein.

SEC. 185. *Policy Binding on Company.*

In any claim arising under a policy which has been issued in this state by any life insurance company, without previous medical examination, or without the knowledge

Policy
binding .

and consent of the insured, or, if said insured is under eighteen years of age, without the consent of the parent, guardian or other person having legal custody of the said minor, the statements made in the application as to age, physical condition, and family history of the insured, shall be held to be valid and binding upon the company, but the company shall not be debarred from proving as a defense to such claim that said statements were wilfully false, fraudulent, or misleading. Every policy, except industrial or those calling for premiums monthly or oftener, shall have attached thereto a correct copy of the application, including all answers made by the applicant, and unless so attached the same shall not be considered a part of the policy or received in evidence.

SEC. 186. *Assessment Life Insurance.*

Assessment life insurance.

No life insurance company or association, other than fraternal beneficiary associations, which issues contracts, the performance of which is contingent upon the payment of assessments or calls made upon its members, shall do business within this state, except such companies or associations as are now licensed to do business within this state, and which shall value their assessment policies, or certificates of membership as yearly renewable term contracts according to the standard of valuation of life insurance policies prescribed by the laws of this state.

Assets required.

Every such company or association must have assets of at least two hundred thousand dollars invested in securities such as are approved by this act, and must have paid in full all legal death claims for the last twelve months.

Every such company or association shall, on or before February fifteenth of each year, file with the commissioner a statement, upon a form to be prescribed and furnished by him, showing the true condition of the company or association as of December thirty-first next preceding, and shall pay a premium tax as otherwise provided in this act.

SEC. 187. *Health and Accident Insurance.*

No policy of insurance against loss or damage from disease or by bodily injury by accident, or both, of the as-

sured, shall be issued or delivered in this state until a copy of the form thereof and the table of rates or manual of risks of the company has been filed at least thirty days with the commissioner, unless before the expiration of said thirty days the commissioner shall have approved the same in writing; nor if the commissioner notifies the company in writing that in his opinion the form of said policy does not comply with the requirements of the laws of this state, specifying the reasons for his opinion: *Provided*, That upon the petition of the company, the opinion of the commissioner shall be subject to review by any court of competent jurisdiction; nor shall such policy be so issued or delivered unless every portion except the questions and answers in the application is plainly printed in type not smaller than long primer or ten point type, nor unless all exceptions and conditions are printed with the same prominence as the benefits to which such exceptions and conditions apply, nor unless it contains in substance the following provisions:

Health and
accident
insurance.

Subject to
review.

(1) A provision that such policy, with a copy of the application thereof, if any, and of such other papers as may be attached thereto or endorsed thereon shall constitute the entire contract of insurance; except as it may be affected by any table of rates or classification of risks filed by the company with the commissioner; and except that this provision shall not be required upon policies of industrial insurance, or where the premiums are payable monthly or oftener.

Constitutes
contract.

(2) A provision that specifies the time within which notice of accident or disability shall be given, which time shall be not less than ten days from the date of the accident or the beginning of the disability from sickness upon which claim is based: *Provided, however*, That in case of accidental death, immediate notice thereof may be required; unless the notices herein specified may be shown not to have been reasonably possible.

Notice
required.

(3) A provision that notice of a claim for indemnity shall be deemed sufficient when given to the company.

(4) If a past due premium shall be accepted by the company, or by a branch office, or by an authorized agent of the company in the city, town, or county in which the insured shall reside, such acceptance shall reinstate the policy in full as to disability resulting from accidental bodily injuries thereafter sustained, but shall only reinstate the policy as to disability from disease beginning more than ten days after the date of such acceptance.

(5) A provision that if the insured is injured or contracts disease after having changed his occupation to one classified by the company as more hazardous than that stated in the policy, or while he is doing any act pertaining to any occupation so classified, the company shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate, but within the limits fixed by the company, for such more hazardous occupation according to the company's rates and classification of risks filed with the commissioner in this state at, or prior to the date of issuance of the policy under which indemnity is claimed.

(6) A provision that the company will pay the benefits promised within sixty days of the receipt by it of due proofs of death or disability.

(7) A provision that the policy may be cancelled at any time by the company by giving the insured written notice of cancellation, and paying in cash or mailing by registered letter with proper postage affixed thereon, addressed to the insured at his usual or last known post office address, a postoffice or express company money order or bank draft for the unearned portion of the premium, but that the cancellation shall be without prejudice to any claim arising on account of disability commencing prior to the date on which the cancellation takes effect.

SEC. 188. *Prohibitions.*

No such policy insuring against accidental bodily injuries or disease or death shall be issued or delivered in this state, if it contains in substance any of the following provisions:

Rates on hazardous risks.

Provisions.

Prohibitions.

(1) A provision limiting the time within which proofs of claims shall be furnished to the company to a period less than ninety days from the date of death, dismemberment, or loss of sight or from the termination of any other disability.

(2) A provision that such policy shall authorize the deduction of any premium or assessment from any indemnity payable under the terms of the policy, except such premium or assessment as may be due or covered by written order or note at the time of payment of the indemnity.

(3) A provision limiting the amount of indemnity to be paid to a sum less than the indemnity as stated in the policy and for which the premium has been paid: *Provided, however,* If the assured shall carry other insurance covering the same hazard without giving written notice to the companies issuing the policies, then, and in that case, each company shall be liable only for such proportionate amount of benefits as the indemnity promised bears to the total amount of indemnity in all the policies covering such hazard, and for the return of such part of the premium paid as shall exceed the *pro rata* of the premium for the benefits paid.

Other
insurance.

SEC. 189. *Blanket Policies Not Affected.*

Nothing in this act shall affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, co-partnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like associations or organizations, when the officers, members, or employees or classes or departments thereof are insured against specified accidental bodily injuries or diseases while exposed to the hazards of the occupation or otherwise, for a premium intended to cover the risks of all persons insured under such policy; nor shall anything in section 187 and 188 of this act apply to or affect contracts of life insurance, or contracts supplemental thereto, which shall contain provisions intended to safeguard such life insurance against lapse, or that shall provide a special surren-

Blanket
policies.

der value therefor in the event that the assured thereunder shall, by reason of accidental bodily injury or disease, be unable to continue the premium payments thereon.

SEC. 190. *Immediate Disposal of Notes Prohibited.*

Disposal
prohibited.

I shall be unlawful for any company or agent thereof to hypothecate, sell, or dispose of a promissory note, received in payment for any part of a premium on a policy of insurance applied for under the provisions of this article, prior to the delivery of the policy to the applicant.

SEC. 191. *Penalties.*

Any insurance company knowingly and wilfully violating any of the provisions of this article shall be fined in any sum not exceeding one thousand dollars.

Any insurance agent knowingly and wilfully violating any of the provisions of this article shall be fined in any sum not exceeding five hundred dollars and shall have his license revoked.

SEC. 192. *Fraternal Exempt.*

Exemptions.

Nothing in this article shall be construed as applying to fraternal beneficiary associations, societies, or orders with representative form of government, operating on a lodge system, or the beneficiary certificate or policy issued by them.

ARTICLE IV.

BONDING, CASUALTY, LIABILITY, AND SURETY INSURANCE.

SEC. 193. *Surety Companies May Execute Bond, Etc.*

Liability,
bonding,
casualty
and surety
insurance.

Whenever any bond, recognizance, obligation, stipulation, or undertaking is by law, state, municipal, or otherwise, or by the rules, or regulations of any board, court, judge, body, or organization, or officer, state, municipal, or otherwise, required or permitted to be made, given, tendered, or filed, for the security or protection of any person or persons, corporation, municipality, state, or any department thereof, or any other organization whatever, conditioned for the doing or not doing of anything in such bond, recognizance, obligation, stipulation, or under-

taking, specified, any and all heads of departments, public officers, state, county, town, school district, or other municipality, and any and all boards, courts, judges, and municipalities, now or hereafter required or permitted to accept or approve of the sufficiency of any such bond, recognizance, obligation, stipulation, or undertaking, may, in the discretion of such head of department, court, judge, public officer, board, or municipality, accept such bond, recognizance, obligation, stipulation, or undertaking, and approve the same whenever the same is executed, or the conditions thereof are guaranteed, solely by a company admitted and authorized to transact such business in this state in accordance with the requirements of this act, but no such security shall be accepted on any bond for an amount in excess of ten per cent. of the paid-up cash capital, and surplus.

Whenever any such bond, recognizance, obligation, stipulation, or undertaking is so required to be made, given, tendered, or filed with one surety, or with two or more sureties, the execution of the same, or the guaranteeing of the performance of the conditions thereof, shall be sufficient when executed or guaranteed solely by such company, so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, ordinance, rule or regulation, that such bond, undertaking, recognizance, obligation or stipulation shall be executed or guaranteed by one surety, or by two or more sureties, or that such sureties shall be residents, householders, or freeholders, or both, and a full and complete compliance with every other requirement of every law, ordinance, rule, or regulation, relating to the same, and no justification by such company shall be necessary or required, and any and all heads of departments, court, judges, public officers, boards, and municipalities, whose duties it may be, or shall hereafter be, to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation, or undertaking, may accept and approve the same, when executed or guaranteed solely by such company.

Requirements.

SEC. 194. *Premium—May Be Taxed as Costs.*

Premiums. Any receiver, assignee, trustee, guardian, executor, administrator, committee, or other fiduciary, required by law to give bond as such, may include as a part of his lawful expenses, such reasonable sum paid to such company for such suretyship, not exceeding the current rate of premium per annum reasonably chargeable for similar suretyship, as the head of the department, court, judge, or other officer by whom, or the court or body by which he was appointed allows, and in all actions and proceedings, the party entitled to recover costs may include therein such reasonable sum as may have been paid such company for executing or guaranteeing any such bond or undertaking therein as may be allowed by the court or judge before whom the action or proceeding is pending.

SEC. 195. *Release from Liability.*

Release from liability. Any company executing any bond, recognizance, obligation, stipulation, or undertaking, and any such surety may be released from its liability on the same terms and conditions as are or may be by law prescribed for the release of individuals upon any such bond, recognizance, obligation, stipulation, or undertaking; it being the true intent and meaning of this act to enable companies created for the purpose to execute and become surety on bonds, recognizances, obligations, stipulations, or undertakings, required, or permitted by law, state, or municipal, or otherwise, or by the rules or regulations of any court, judge, officer, board, city charter, village, town, organization, or otherwise to be released from liability thereon in like manner and upon like terms and conditions as sureties are or may be.

SEC. 196. *Failure to Discharge Contract—Forfeiture.*

If any such company shall neglect, fail, or refuse to pay any final judgment or decree, rendered against it, upon any such recognizance, bond, stipulation, or undertaking made or guaranteed by it, in this state, for the period of thirty days after any such judgment or decree shall have been finally determined in case of an appeal, or within

thirty days after the time for taking an appeal has expired when no appeal is taken from such judgment or decree, or in case an appeal be taken and the same be dismissed before final determination on appeal, then within thirty days from such dismissal, it shall forfeit all right to do business in this state and the commissioner shall thereupon revoke its license and the license of its agent.

Forfeited
rights.

ARTICLE V.

TITLE INSURANCE.

SEC. 197. *Formation of Company—Purposes—Requirements.*

Every domestic or foreign company organized for the purpose of insuring or guaranteeing the owners or encumbrancers of property within this state against loss by reason of any incorrect statement in the guaranteed certificate of title or policy of title insurance, or other guaranty of title, issued thereon, or by reason of any unexcepted lien or encumbrance upon, or defect in the title thereto, shall from and after the taking effect of this act and before issuing any guaranteed certificate of title, or policy of title insurance, or other guaranty of title deposit with the state treasurer, as a guaranty fund, securities to the amount specified in this act and of the character hereinafter set forth: *Provided*, That every such company must, before it may issue any policy of title insurance or guaranteed certificates of title, and for so long a time as it may continue to issue any policies of title insurance or guaranteed certificates of title, own and maintain a complete set of tract indexes of the county in which its principal office within this state is located.

Title
insurance.

Tract
indexes.

SEC. 198. *Classes of Securities.*

Such guaranty fund shall be composed of securities specified as authorized investments in this act: *Provided*, That any domestic company, owning, at the time this act takes effect, stocks of any national or state bank doing business in this state, which according to its latest report to the comptroller of the currency or the state bank ex-

Classes.

aminer, has its capital fully paid, and has in addition thereto a surplus fund amounting to not less than twenty per cent. of its capital, may deposit such stocks at par value thereof with the state treasurer, in lieu of the securities authorized by this act, until the same under the provisions of this act, can be exchanged or converted into securities authorized by this act: *Provided, however,* That not to exceed forty per cent. of the total capital stock of any such bank shall be deposited with the state treasurer as part or whole of any such guaranty fund. All such securities shall be registered in the name of or endorsed or assigned to said state treasurer officially, as the occasion and the due and orderly course of business may require. The securities so deposited shall be held by the state treasurer as a special guaranty fund, securing the faithful performance on the part of any such company of all its undertakings and liabilities upon its guaranteed certificates of title, policies of title insurance, or other guarantees of title to property and to the extent of any outstanding liabilities thereon, shall not be subject to any other outstanding liabilities of the company.

Per cent.
deposited.

SEC. 199. *Conditions of Deposit.*

That such deposit shall be by the state treasurer held subject to the following conditions:

(1) The state treasurer shall deliver to the company depositing such guaranty fund a receipt in full for all securities so deposited with him. The company may from time to time withdraw securities or any part thereof on depositing with said state treasurer cash or other authorized securities, so as at all times to maintain the value of said guaranty fund deposit at not less than the amount required by this act.

Conditions
of deposit.

(2) All interest or dividends accruing on said securities deposited with the state treasurer under authority of this act shall belong to and at all times be available to the company making said deposit and the said state treasurer shall permit said company so long as it shall continue solvent to collect the interest or dividends on said

securities so deposited. The state treasurer shall be the agent of both parties to receive, receipt for and pay over said interest or dividends when the same are paid to him by reason of the custody of said deposit, and he is hereby authorized to make such endorsements on said securities as the occasion and the due and orderly course of business may require. The rights of said company to demand of and receive from the state treasurer said interest or dividends, shall be subject, however, to the provisions of the following paragraph.

Treasurer
act as
agent.

Rights of
company

(3) If, pursuant to liability on a guaranteed certificate of title, or policy of title insurance or other guaranty of title to property, a judgment shall be entered in a court of general jurisdiction in this state against a company which has made a deposit of securities with the state treasurer subject to the provisions of this act and such judgment shall have become final either by failure to appeal, dismissal of appeal, or by affirmance on appeal, or otherwise, and such judgment shall not be paid and satisfied in full within thirty days after the finality of said judgment has become fixed, then in every such case said judgment may be enforced against said securities so deposited with the state treasurer upon petition of the judgment creditor in the same cause wherein judgment was obtained, setting forth the facts aforesaid, whereupon it shall be the duty of the court wherein said judgment is entered to direct the issuance of a special execution directed to the sheriff of the county in which the capitol of the state is situated, which execution shall be as near as may be in the usual form and shall require on the part of said sheriff, the sale of said securities or so much thereof as may be necessary to the satisfaction of said judgment. When application is made for the issuance of said special execution herein provided for, and the court allows the same, the order in which said special execution is authorized, shall direct that service of a copy of the said judgment and the said petition shall be made within five days thereafter upon the state treasurer. All proceedings re-

Service
on state
treasurer.

lating to the enforcement of said writ of execution against said securities shall conform as near as may be to the practice in ordinary cases except as herein otherwise specially provided. Proceedings under said execution shall be a sufficient authority where notices aforesaid have been served on said state treasurer for the delivery by said state treasurer to the sheriff of the securities to be sold upon said execution.

Treasurer
hold
securities.

(4) Except as herein provided, the state treasurer shall hold intact the securities deposited with him and shall retain the same until such time as all liabilities under any guaranteed certificate of title, or policy of title insurance, or other guaranty of title, issued by the company having deposited such securities, shall have legally terminated, or until such time as all liabilities of said company under such guaranteed certificates of title or policies of title insurance or other guarantees of title, shall have been assumed by some other title insurance company of equal financial standing and responsibility, authorized to transact business in this state, upon which conditions alone and on application of said company verified by the oath of its president and of its secretary, and upon satisfactory examination of its books, and of its officers under oath that such conditions have been met, the state treasurer is authorized and it shall be his duty to forthwith return the securities to the said company. On return of the securities, the certificates of authority issued to said company by the state insurance commissioner shall be revoked and notice thereof given in the same manner as provided for in the next succeeding paragraph:

Commis-
sioner revoke
certificate

(5) *Provided, however,* That if the aforesaid guaranty fund is at any time impaired by reason of the payment of any judgment against the company depositing such funds or by reason of the nonpayment of the annual fee as herein provided, or at all, and remains so impaired for a period of thirty days after notice to the company, the commissioner is hereby authorized and it shall be his duty to immediately revoke the certificate of authority granted said company, and to publish a notice

of such revocation in a daily paper of general circulation, published in the city wherein said company has its principal office at least once in each week for six successive weeks, the expense of such publication to be chargeable against the said guaranty fund of said company.

SEC. 200. *Annual Fee.*

That the company so depositing such securities shall on or before the second Monday in January of each year that such securities or any part thereof remain on deposit with the state treasurer as provided by this act, pay to the state treasurer for the use of the state an annual fee equal in amount to one-tenth of one per centum of the value of the securities so deposited by it, and should the same not be paid within thirty days thereafter, the state treasurer is hereby authorized to sell sufficient of said securities to pay the same.

Annual
fee.

SEC. 201. *Penalty for Non-Compliance.*

It shall be unlawful for any company to engage in said business of insuring or guaranteeing the owners or encumbrancers of property against loss as hereinbefore specified, unless such company shall have complied with all of the provisions of this act; and if any company, its agent or attorney shall issue any guaranteed certificate of title, or policy of title insurance, or other guaranty of title to property, or guarantee or insure any owner or encumbrancer of property against loss as hereinbefore specified, without having complied with the laws of this state with regard thereto, such company, or its agent, or attorney, issuing such guaranteed certificate of title, or policy of title insurance, or other guaranty of title, or undertaking such guarantee or insurance shall be guilty of a misdemeanor and be subject to a fine of not less than one hundred dollars nor more than five hundred dollars for each such offense, in the discretion of the court.

Penalty
and fine.

SEC. 202. *Annual Financial Statements.*

Every company engaged in part or wholly in said business of insuring or guaranteeing the owners or encumbrancers of property against loss as hereinbefore speci-

Annual
statements.

Statement
shall show.

fied, shall on or before the first day of February in each and every year make and file with the commissioner a statement verified by oath of the president and secretary of such company, showing the financial condition of such company on the thirty-first day of December next preceding, and shall show:

(1) The amount of the capital stock of the company.

(2) The property or assets held by the same, including securities on deposit with the state treasurer as a guaranty fund.

(3) The income of said company from title insurance during the preceding year.

(4) The amount and character of risks written during the same period, the amount and character of risks expired during the same period, and the total amount and character of risks outstanding on the thirty-first day of December next preceding.

If the provisions of this section are not complied with on or before the fifteenth day of February in each year, the commissioner shall revoke the certificate of authority issued to the company.

SEC. 203. *Expiration of Certificate of Authority—Renewal—Suspension.*

Expiration
renewal
suspension.

Every certificate of authority granted in pursuance of the provisions of this act to a company engaged wholly or in part in said business of insuring or guaranteeing the owners or encumbrancers of property against loss as hereinbefore specified, shall expire on the first day of April after the date of issue. The certificate of authority may be renewed from year to year upon application to the commissioner and upon evidence of compliance by the company with the provisions of this act. If the commissioner is not satisfied that the securities composing the guaranty fund of any such company remain secure, he may suspend the authority of such company to do a title insurance business until any impairment or depreciation of such guaranty fund is made good.

SEC. 204. *Taxation.*

Every such company engaged wholly or in part in said business of insuring or guaranteeing the owners or encumbrancers of property against loss as hereinbefore specified, shall be taxed on the basis of the physical property owned by it in the county where such property is located, in accordance with the general laws relating to taxation in this state, and not otherwise. Taxation.

SEC. 205. *Owner and Encumbrancer Defined.*

The terms "owner" and "encumbrancer" as used throughout this article shall be construed to include any one having an insurable interest in property. Defining terms.

ARTICLE VI.

FRATERNAL.

SEC. 206. *Fraternal Benefit Societies Defined.*

Any corporation, society, order, or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with section two hundred ten hereof, is hereby declared to be a fraternal benefit society. Fraternal societies defined.

SEC. 207. *Lodge System Defined.*

Any society having a supreme governing or a legislative body and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated, and admitted in accordance with its constitution, laws, rules, regulations, and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such societies to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system. Lodge system defined.

SEC. 208. *Representative Form of Government Defined.*

Any such society shall be deemed to have a representative form of government when it shall provide in its con- Government defined.

stitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws: *Provided*, That the elective members shall constitute a majority in the number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws: *Provided further*, That the meetings of the supreme or governing body, and the election of officers, representatives, or delegates shall be held as often as once in four years. The members, officers, representatives, or delegates of a fraternal benefit society shall not vote by proxy.

SEC. 209. *Exemptions.*

Exemptions.

Except as herein provided, such societies shall be governed by the provisions of this article and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose, and no law hereinafter enacted shall apply to them unless they be expressly designated therein.

SEC. 210. *Benefits.*

Benefits.

(1) Every society transacting business under this article shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident, or old age: *Provided*, That the period of life at which the payment of benefits for disability on account of old age shall commence, shall not be under seventy years, and may provide for monuments or tombstones to the memory of the deceased members and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all or such portion of the face value of his certificates as the laws of the society may provide: *Provided*, That nothing in this article contained shall be so construed as to prevent the

Age limit.

issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the terms for which the benefit certificate may be issued. Such society shall, upon written application of the members, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contributions, against the certificate with interest payable or compounded annually at a rate not lower than four per cent. per annum: *Provided*, That this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contribution and to contracts affected by such readjustment.

(2) Any society which shall show by the annual valuation hereinafter provided for, that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American Experience Table and four per cent. interest, may grant to its members, extended and paid-up protection or such withdrawal equities as its constitution and laws may provide: *Provided*, That such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

May grant
paid-up
protection.

SEC. 211. *Beneficiaries.*

The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree ascending or descending, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, or to a person or persons dependent upon the member: *Provided*, That if after the issuance of the original certificate the member shall become dependent upon a home maintained by the society for the dependent members or upon a subordinate lodge or society of the order of which he is a member, or upon an incorporated charitable institution, he shall have the privilege with the consent of the society, of making such home, lodge, society or institution his beneficiary. Within

Beneficiaries.

Right to
name
beneficiary.

the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules, or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member: *Provided*, That any society may, by its laws, limit the scope of beneficiaries within the above classes.

SEC. 212. *Qualifications for Membership.*

Qualifications. Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified practicing physician and whose examination has been supervised and approved in accordance with the laws of the society: *Provided*, That any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

SEC. 213. *Certificate.*

Certificate. Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter, or articles of incorporation, or, if a voluntary association, the articles of association, the constitution and laws of the society and the application for membership and medical examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof, and any changes, additions, or amendments to said charter or articles of incorporation, or articles of association, if a voluntary association, constitution, or laws duly made or enacted subsequent to the issuance of the benefit certificates, shall bind the member and his beneficiaries, and

shall govern and control the agreement in all respects the same as though such changes, additions, or amendments had been made prior to and were in force at the time of the application for membership.

SEC. 214. *Funds.*

(1) Any society may create, maintain, invest, disburse, and apply an emergency, surplus, or other similar fund in accordance with its law. Unless otherwise provided in the contract, such funds shall be held, invested, and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in section two hundred ten of this article. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of said funds: *Provided*, That no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this state, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August twenty-third, eighteen hundred and ninety-nine, or any higher standard with interest assumption not more than four per cent. per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four per cent. per annum.

Funds.

Basis for calculating.

(2) Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund

Deferred payments.

sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

SEC. 215. *Investments.*

Investments.

Every society shall invest its funds only in securities permitted by the laws of this state for the investment of the assets of life insurance companies: *Provided*, That any foreign society permitted or seeking to do business in this state, which invests its funds in accordance with the laws of the state in which it is incorporated, shall be held to meet the requirements of this article for the investment of funds.

SEC. 216. *Distribution of Funds.*

Distribution of funds.

Every provision of the laws of the society for payment by members of such society, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes, or the net accretions of either or any of said funds, shall be used for expenses.

SEC. 217. *Organization.*

Organization.

Seven or more persons, citizens of the United States, and a majority of whom are citizens of this state, who desire to form a fraternal benefit society, as defined by this article, may make and sign, giving their addresses, and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

First. The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this state as to mislead the public or to lead to confusion.

Purpose shall not include.

Second. The purpose for which it is formed, which shall not include more liberal powers than are granted in this article: *Provided*, That any lawful social, intellectual, educational, charitable, benevolent, moral, or religious advantages may be set forth among the purposes

of the society, and the mode in which its corporate powers are to be exercised.

Third. The names, residences, and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate. Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of five thousand dollars, with sureties approved by the commissioner, conditioned upon the return of the advanced payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the commissioner, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this article, and all provisions of law have been complied with, the commissioner shall so certify and retain and record, or file, the articles of incorporation, and furnish the incorporators a preliminary certificate authorizing said society to solicit members as hereinafter provided.

Bond
required.

Upon receipt of said certificate from the commissioner, said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant, a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate, nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual *bona fide* applications for death benefit certificates have been

Applications
required.

secured upon at least five hundred lives for at least one thousand dollars each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society, nor until there shall be established ten subordinate lodges or branches into which said five hundred applicants have been initiated, nor until there has been submitted to the commissioner, under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions which shall be sufficient to provide for meeting the mortuary obligation contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August twenty-third, eighteen hundred and ninety-nine, or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent. per annum, nor until it shall be shown to the commissioner by the sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Per cent. of
interest.

Said advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year as hereinafter provided; returned to said applicants.

Payments
held in
trust.

The commissioner may make such examination and require such further information as he deems advisable, and upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate to that effect. Such certificate shall be *prima facie* evidence of the existence of such society at the date of such certificate. The commissioner shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.

No preliminary certificate granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the commissioner, upon cause shown, unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided, and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than four hundred members, its charter shall become null and void.

Certificate
valid one
year.

Every society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs, and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to or amend such constitution and by-laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society.

Powers.

SEC. 218. *Powers Retained—Reincorporation—Amendments.*

Any society now engaged in transacting business in this state may exercise, after the passage of this act, all of

Not to re-
incorporate.

the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation not inconsistent with this act, if incorporated; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to reincorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided herein or in its constitution and laws and all such amendments shall be filed as original articles of incorporation are required to be filed, and shall become operative upon such filing, unless a later time be provided in such amendments or in its articles of incorporation, constitution or laws.

SEC. 219. *Mergers and Transfers.*

Mergers
and
transfers.

No domestic society shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer which shall be filed as original articles of incorporation are required to be filed, together with a sworn statement of the financial condition of each of said societies, by its president and secretary, or corresponding officers, and a certificate of such officers duly verified under oath of said officers of each of the contracting societies, that such merger or transfer has been approved by a vote of two-thirds of the members of the supreme legislative or governing body of each of said societies.

Examine
contract.

Upon the submission of said contract, financial statements and certificates, the commissioner shall examine the same, and, if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this section, and that such merger or transfer is just and equitable to the members of each of said societies, he shall approve said merger or transfer, issue his certificate to that effect and thereupon the said contract of merger or transfer shall be of full force and effect.

In case such contract is not approved, the fact of its submission and its contents shall not be disclosed by the state insurance commissioner.

SEC. 220. *Annual License.*

Societies which are now authorized to transact business in this state may continue such business until the first day of April next succeeding the passage of this act, and the authority of such societies may thereafter be renewed annually, but in all cases to determine on the first day of the succeeding April: *Provided*, That the license shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the commissioner ten dollars. A duly certified copy or duplicate of such license shall be *prima facie* evidence that the licensee is a fraternal benefit society within the meaning of this article.

Annual
license.

SEC. 221. *Admission of Foreign Society.*

No foreign society now transacting business, organized prior to the passage of this act, which is not now authorized to transact business in this state, shall transact any business herein without a license from the commissioner. Any such society shall be entitled to a license to transact business within this state upon filing with the commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and laws, certified by its secretary or corresponding officer, a power of attorney to the commissioner as hereinafter provided; a statement of its business under oath of its president and secretary, or corresponding officers, in the form required by the commissioner, duly verified by an examination made by the supervising insurance official of its home state or other state satisfactory to the commissioner of this state; a certificate from the proper official in its home state, province, or country that the society is legally organized; a copy of its contract, which must show that benefits are provided for by periodical, or other payments by persons holding similar contracts, and upon

Admission.

furnishing the commissioner such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the state, territory, district, province, or country where it is organized, he shall issue a license to such society to do business in this state until the first day of the succeeding April: *Provided*, That such license shall continue in full force and effect until the new license be issued or specifically refused. Any foreign society desiring admission to this state shall have the qualifications required of domestic societies organized under this article and have its assets invested as required by the laws of the state, territory, district, country, or province where it is organized. For each such license or renewal the society shall pay the commissioner ten dollars. When the commissioner refuses to license any society, or revoke its authority to do business in this state, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the society, upon request, and the action of the commissioner shall be reviewable by proper proceedings in any court of competent jurisdiction within the state: *Provided*, That nothing contained in this or the preceding section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

SEC. 222. *Power of Attorney and Service of Process.*

Every society, whether domestic or foreign, now transacting business in this state shall, within thirty days after this act takes effect, and every such society hereafter applying for admission, shall before being licensed, appoint in writing the insurance commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall

be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this state.

Copies of such appointment, certified by said commissioner, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the commissioner, in his absence upon the person in charge of his office, and shall be deemed sufficient service upon such society: *Provided*, That no such service shall be valid or binding against any such society when it is required thereunder to file its answer, pleading or defense in less than forty days from the date of mailing the copy of such service to such society. When legal process against any such society is served upon said commissioner, he shall forthwith forward by registered mail, one of the duplicate copies prepaid and directed to its secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

Service
valid,
when.

SEC. 223. *Place of Meeting—Location of Office.*

Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province, or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state. But its principal office shall be located in this state.

SEC. 224. *No Personal Liability.*

Officers and members of the supreme, grand, or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society, but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

Personal
liability.

SEC. 225. *Waiver of the Provisions of the Laws.*

Waiver.

The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries of members.

SEC. 226. *Benefits Not Attachable.*

Benefits not attachable.

No money or other benefit, charity or relief or aid to be paid, provided, or rendered by any such society shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied by any legal or equitable process, or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment.

SEC. 227. *Constitution and Laws—Amendment.*

Shall file copy of constitution and laws.

Every society transacting business under this act, shall file with the commissioner a duly certified copy of all amendments of or additions to its constitution and laws, within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed, or added to, certified by the secretary or corresponding officer of the society shall be *prima facie* evidence of the legal adoption thereof.

SEC. 228. *Annual Reports.*

Annual reports.

Every society transacting business in this state, shall annually, on or before the fifteenth day of February, file with the commissioner, in such form as he may require, a statement under oath of its president and secretary or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for one year ending on that date and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times

require any further statement he may deem necessary to be made relating to such society.

In addition to the annual report herein required, each society shall annually report to the commissioner, a valuation of its certificates in force on the thirty-first day of December, last preceding, excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses: *Provided*, That the first report of valuation shall be made as of December thirty-first, nineteen hundred and twelve. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and, as contingent assets, the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years.

Report shall show condition.

Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August twenty-third, eighteen hundred and ninety-nine, or, at the option of the society, any higher table, or at its option, it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four per cent. per annum.

Standard of valuation.

Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society: *Provided*, That where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience and in such case a separation of the funds shall not be required.

Separate
funds.

The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.

Beginning with the year nineteen hundred and fourteen, a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June first of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full and to provide for the creation and maintenance of the funds required by its laws additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per cent. per annum.

Printed
report
mailed.

Increased
rates.

SEC. 229. *Provisions to Insure Future Security,*

If the valuation of the certificates, as hereinbefore provided, on December thirty-first, nineteen hundred and sev-

enteen, shall show that the present value of future net contributions, together with the admitted assets, is less than ninety per cent. of the present value of the promised benefits and accrued liabilities, such society shall be required thereafter to reduce such deficiency not less than five per centum of the total deficiency on said December thirty-first, nineteen hundred and seventeen, at each succeeding triennial valuation. If at any succeeding triennial valuation such society does not show such percentage of improvement, the commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has not made the percentage of improvement required herein, the commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provision of section two hundred thirty of this act, or, in the case of a foreign society, he may cancel its license to transact business in this state.

Reduce
deficiency.

May cancel
license.

Any such society, shown by any triennial valuation subsequent to December thirty-first, nineteen hundred and seventeen, not to have made the improvement herein required shall, within one year thereafter, complete such deficient improvement, or thereafter, as to all new members admitted, be subject, so far as stated rates of contribution are concerned, to the provisions of section two hundred seventeen of this act, applicable in the organization of new societies: *Provided*, That the contributions and funds of such new members shall be kept separate and apart from the other funds of the society until the required improvement shall be shown by valuation. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificate valued as an independent society in respect to contributions and funds.

Funds
kept
separate.

SEC. 230. *Examination of Domestic Societies.*

The commissioner, or his deputy or examiner shall have the power of visitation and examination into the affairs of

any domestic society. He may employ assistants for the purpose of such examinations, and he or his deputy, or examiner, shall have free access to all the books, papers, and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents, and employees or other persons in relation to the affairs, transactions, and condition of the society.

The expense of such examination shall be paid by the society examined, upon statement furnished by the commissioner, and the examination shall be made at least once in three years.

Whenever after examination the commissioner is satisfied that any domestic society has failed to comply with any provisions of this act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently, or whenever any domestic society, after the existence of one year or more, shall have a membership of less than four hundred, or shall determine to discontinue business, the commissioner may present the facts relating thereto to the attorney general, who shall, if he deem the circumstances warrant, commence an action in *quo warranto* in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and if it shall then appear that such society should be closed, said society shall be enjoined from carrying on any further business, and the commissioner shall be appointed receiver of such society, as is provided in case of insolvency of insurance companies, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society, and shall forthwith, under the direction of the court, proceed to close the affairs of the society and to distribute its funds to those entitled thereto.

Attorney
general
commence
action.

Notice
served.

No such proceedings shall be commenced by the attorney general against any such society until, after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it, on a date to

be named in said notice, to show cause why such proceedings should not be commenced.

SEC. 231. *Application for Receiver, Etc.*

No application for injunction against or proceedings for the dissolution of or appointment of a receiver for any such domestic society or branch thereof shall be entertained by any court in this state unless the same is made by the attorney general. Receiver.

SEC. 232. *Examination of Foreign Societies.*

The commissioner, or any person whom he may appoint, may examine any foreign society transacting or applying for admission to transact business in this state. The said commissioner may employ assistants, and he, or any person he may appoint, shall have free access to all the books, papers, and documents that relate to the business of the society, and may summon and qualify as witness under oath and examine its officers, agents, and employees and other persons in relation to the affairs, transactions and condition of the society. He may, in his discretion, accept in lieu of such examinations, the examination of the insurance department of the state, territory, district, province, or country where such society is organized. The actual expenses of examiners making any such examination, shall be paid by the society upon statement furnished by the commissioner. Examination.
Expense,
how borne.

If any such society or its officers refuses to submit to such examination or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this state shall be suspended or license refused until satisfactory evidence is furnished the commissioner, relating to the condition and affairs of the society, and during such suspension the society shall not write new business in this state. Authority
suspended.

SEC. 233. *No Adverse Publications.*

Pending, during or after an examination or investigation of any such society, either domestic or foreign, the commissioner shall make public no financial statement, report or finding, nor shall he permit to become public

Finding and
answer.

any financial statement, report, or finding affecting the status, standing, or rights of any such society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report, or finding and to make such showing in connection therewith as it may desire.

SEC. 234. *Revocation of License.*

License
revoked.

When the commissioner on investigation is satisfied that any foreign society transacting business under this act has exceeded its powers, or has failed to comply with any provisions of this act, or is conducting business fraudulently, or is not carrying out its contracts in good faith he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction and after reasonable notice require said society, on a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of the said commissioner or the society does not present good and sufficient reasons why its authority to transact business in this state should not at that time be revoked, he may revoke the authority of the society to continue business in this state. All decisions and findings of the commissioner made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction as provided in section two hundred and twenty-one of this act.

Authority
may be
revoked.

SEC. 235. *Exemption of Certain Societies.*

Exempting
certain
societies.

Nothing contained in this act shall be construed to affect or apply to grand or subordinate lodges of Masons, Odd Fellows, or Knights of Pythias, exclusive of the insurance department of the Supreme Lodge of Knights of Pythias, and the Junior Order of United American Mechanics, exclusive of the beneficiary degree or insurance branch of the National Council Junior Order United American Mechanics, or societies which limit their membership to any one hazardous occupation, nor to similar

societies which do not issue insurance certificates, nor to any association of local lodges of a society now doing business in this state which provides death benefits not exceeding three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of re-insurance business on such plan in this state, nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders, or associations of a purely religious, charitable, and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year: *Provided, always,* That any such domestic order or society which has more than five hundred members, and provides for death or disability benefits, and any such domestic lodge, order, or society which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this section, but shall comply with all the requirements of this article. The commissioner may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this article.

Provision
on mem-
bership.

Not exempt,
when.

No society, which is exempt by the provisions of this section from the requirement of this article shall give or allow or promise to give or allow, to any person any compensation for procuring new members.

Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in sections two hundred six, two hundred seven, and two hundred eight of this act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all the provisions and regulations of this article, except that

Relating
to certain
provisions.

the provisions of this article requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits, shall not apply to such society.

SEC. 236. *Taxation.*

Taxation.

Every fraternal benefit society organized or licensed under this act is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every state, county, district, municipal, and school tax, other than taxes on real estate and office equipment.

SEC. 237. *Penalties.*

Penalties.

Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this state, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided, to do business as herein defined in this state, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Misdemeanor and penalty.

Any society, or any officer, agent, or employee thereof neglecting or refusing to comply with, or violating any of the provisions of this article, the penalty for which neglect, refusal, or violation is not specified in this section shall be fined not exceeding two hundred dollars upon conviction thereof.

SEC. 238. *Existing Insurance Laws Repealed.*

This is "The Insurance Code" and repeals all former laws.

This act may be referred to and shall be known as "The Insurance Code" and shall supersede all prior acts on the subject of the organization and government of insurance companies and insurance business, and all such prior acts are hereby repealed.

Passed by the Senate February 24, 1911.

Passed by the House March 2, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 50.

[S. B. 37.]

RELATING TO PROTECTION OF BLACK BASS AND PERCH.

AN ACT relating to the protection of black bass and perch in Silver Lake, in Cowlitz county.

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

SECTION 1. Every person who shall—

1. Fish for or catch black bass or perch in the waters of Silver Lake, in Cowlitz county, between the 15th day of April and the 15th day of June in any year, or
 2. Fish for, or catch black bass or perch in the waters of such lake at any time except with hook or line, or
 3. Catch more than twelve black bass or twenty-five perch in the waters of such lake, in any one day,
- Shall be guilty of a misdemeanor.

Sections prohibiting.

[See §§5384, 5385; also §5379. Rem.-Bal.]

Passed by the Senate February 14, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 51.

[S. B. 170.]

RELATING TO DEPOSIT OF MONEY.

AN ACT relating to the deposit of moneys received by the commissioner of public lands.

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

SECTION 1. It shall be the duty of the commissioner of public lands of this state, and he is hereby required to deposit daily all moneys and fees collected or received by him as such commissioner under the existing land laws of the state, including all moneys and fees received by him which remain in his custody and control for a greater or less time awaiting disposition under the provisions of the land laws of the state or the action of the board of land commission-

Deposit daily.

[See §5029 Rem.-Bal. for payments of funds to state treasurer.]

ers, as provided by law; and all moneys and fees from all sources received by him in the discharge of his official duties or acting for or in behalf of the state board of land commissioners: *Provided, however,* That all moneys collected or received by the commissioner of public lands, belonging to the state at the time, or to any department or institution thereof, in payment of principal and interest under outstanding contracts and leases where no question is raised as to the right of the state to receive payment, shall be paid to the state treasurer daily in the manner provided by existing laws.

To state treasurer.

[See §5065 et seq., Rem.-Bal. for state depositaries.]

SEC. 2. The deposit of all moneys other than the moneys paid to the state treasurer as by law required, provided for in section 1 of this act, shall be made in state depositaries only and in no other institution. The depository or depositaries shall be designated and selected by the state board of finance in the manner provided by existing laws for the designation of state depositaries, and after such selection and designation by the state board of finance notice thereof shall be given to the commissioner of public lands, and the commissioner shall thereupon make daily deposits of the moneys in his official custody and control as provided in section 1 of this act, and such deposit shall be made in the depository designated by the state board of finance and in no other institution.

Board of finance designate depositaries.

SEC. 3. Every state depository selected by the state board of finance as provided in this act for the purposes herein, and for the receipt and deposit of all moneys in the custody, possession and control of the commissioner of public lands, other than the moneys transmitted daily to the state treasurer, shall file with the state treasurer a good and sufficient bond or collateral securities, or bonds of the United States, or bonds or warrants of the State of Washington, or of any county or school district in this state, to be approved by the state board of finance, as a security and pledge for the payment on demand of the commissioner of public lands, or his order or his successor, free of exchange, at any place in this state designated by

File bond.

the commissioner, of all such moneys so deposited by him with said depository, and the interest thereon at the rate fixed by the state board of finance. Such bond or securities shall be at least equal to the amount of the moneys to be received by said depository, conditioned as hereinbefore provided, and shall, before any deposit by the commissioner of public lands, be approved by the state board of finance. Such depository may be examined from time to time as by existing laws provided in relation to state depositaries.

Bond approved by board of finance.

SEC. 4. The state board of finance shall from time to time fix the rate of interest to be paid by said depository or depositaries upon said moneys deposited with it or them by the commissioner of public lands, as provided in section 1 of this act. The rate of interest shall be not less than two (2) per cent. per annum on all such deposits made by the commissioner of public lands.

Fix rate of interest.

SEC. 5. Every state depository selected as hereinbefore provided for the receipt and deposit of moneys by the commissioner of public lands, shall quarterly on the first of January, April, July and October file with the state auditor a sworn statement of the amount of moneys on deposit with it to the credit of the commissioner of public lands, together with a computation of the interest earned thereon at the rate fixed by the state board of finance, said computation and statement of interest to be computed upon the daily balance on deposit by the commissioner, and said statement or computation shall also be made to the state board of finance. The interest shall thereupon be forthwith remitted by the depository to the state treasurer and by him placed in and credited to the general fund.

[See §5065 et seq. Rem.-Bal., state depositaries.]

Quarterly statement.

SEC. 6. The statements required of the depositaries shall be upon such forms as may be prescribed by the state board of finance, and shall be accompanied by the affidavit of the president and cashier of such depository, to the effect that it is in all respects true and correct, and that except for the interest therein credited, neither said depository nor any officer, agent or employes thereof, nor

Report to contain.

any person in its behalf, has in any way whatsoever given, paid or rendered, or promised to give, pay or render to any member of the state board of finance, or to any person or corporation whatever, any money, credit, service or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the moneys in the custody, possession or control of the commissioner of public lands. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

SEC. 7. Upon the taking effect of this act the state board of finance shall forthwith designate a state depository, or depositories for the purposes herein mentioned, and upon notice of such selection to the commissioner of public lands the commissioner shall at once deposit in such depository or depositories, all moneys in his possession and under his official custody and control; and all moneys deposited in banks or other institutions at the time of the taking effect of this act, which have been deposited by the commissioner of public lands awaiting final action of the state board of land commissioners, or awaiting the further operation of the land laws, or for any other purpose, shall at once be transferred to the state depository or depositories selected by the state board of finance, and be subject to all the provisions, requirements and conditions of this act.

Deposit all
moneys.

Passed by the Senate February 9, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 52.

[S. B. 180.]

LICENSING ALIENS TO CARRY FIREARMS.

AN ACT relating to the carrying of firearms, requiring licenses of certain persons, and fixing a penalty for the violation thereof.

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

SECTION 1. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shot gun, rifle or other firearm, without first having obtained a license from the state auditor, and said license is not to be issued by said state auditor except upon the certificate of the consul domiciled in the State of Washington and representing the country of such alien, that he is a responsible person and upon the payment for said license of the sum of fifteen dollars (\$15.00); nothing in this section contained shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Firearms
prohibited
without
license.

Local
consul to
approve.

Penalty.

Passed by the Senate February 10, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 53.

[S. B. 87.]

PROVIDING LEVY FOR PUBLIC HIGHWAY.

AN ACT providing for an annual levy for the public highway fund and amending chapter 246 of the Session Laws of 1909.

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

SECTION 1. That section 1 of an act of the legislature of the State of Washington, passed by the senate February 24, 1909, and passed by the house March 8, 1909,

[Amending
§5898,
Rem.-Bal.]

Half mill
tax levy.

entitled "An act relating to the public highway fund, and amending an act entitled 'An act to amend section 2 of an act of the legislature of the State of Washington, approved March 9, 1905, entitled 'An act creating a fund to be known as the public highway fund and making provisions for an annual levy to produce revenue therein for the construction and repairs of highways and bridges,' approved February 15, 1907," be and the same is hereby amended to read as follows: Section 2. For the purpose of raising revenue to construct and prepare highways and bridges, the proper state officers shall levy and collect a tax not exceeding one-half mill upon all of the property in the state subject to taxation for the fiscal year beginning March 1, 1911, and for each fiscal year thereafter. The fund provided by such levy shall be placed in said public highway fund: *Provided, however,* That nothing in this act contained shall have the effect or be construed to alter or modify in any particular any tax levy made or proceeding had or to be had for the collection of any tax heretofore levied or imposed under or pursuant to the provisions of any former or existing laws.

Passed by the Senate January 31, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 54.

[S. B. 174.]

RELATING TO COUNTY ROADS, AND RIGHT OF EMINENT DOMAIN.

AN ACT relating to the establishment and widening of county roads and to the exercise of the right of eminent domain by counties in condemning land and other property for county roads and to secure property containing gravel, stone or other road building materials and rights-of-way in and to such property and repealing all acts in conflict herewith.

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

SECTION 1. *Laying Out.*

County roads shall be laid out and established by order of the county commissioners of the proper county in the manner hereinafter provided. [Superseding § 5623, Rem.-Bal.]

SEC. 2. *Resolution.*

When deemed advisable that a road be established, the board of county commissioners shall, at a regular meeting, by unanimous vote pass a resolution and enter same on the minutes of the board, which resolution shall describe the terminal points of such proposed road and the width and general course of same. The resolution need not set forth the manner of construction, the cost, nor describe the several tracts or parcels of land through which the same shall run. The resolution shall declare that the laying out and establishment of the road is considered a public necessity and shall direct the county engineer to make an examination of the proposed route of said road as hereinafter provided. [Amending §§5623-5624, Rem.-Bal.]

Resolution to establish. (See, also, Sec. 4 *infra*.)

SEC. 3. *Engineer's Duty.*

The county engineer shall make an examination of the proposed route of such road and, if necessary, a survey of same. If, however, after an examination, he deems the same to be impracticable, he may so report to the board of county commissioners without making a survey, or he may examine or survey any other route that would subserve that purpose, and make a report thereon. Engineer examine. [This and §6 *infra*, amend § 5627, Rem.-Bal.]

SEC. 4. *Petition of Householders.*

In addition to the method hereinabove provided, ten or more householders of the county residing in the vicinity of a proposed road may petition the board of county commissioners for the establishment of such road. Such petition shall describe the terminal points of said road and the general course of same.

[Amending
§5624,
Rem.-Bal.]

Pettitlon to
establish.

SEC. 5. *Bond.*

If the board of county commissioners so order the petition shall be accompanied by a bond in the penal sum of three hundred dollars (\$300) payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, and conditioned that the petitioners will pay into the county treasury the amount of all costs and expenses incurred in examining and surveying the proposed road and in the proceedings in case the road shall not be established, or in case the application is for the purpose of changing the road for the benefit of the land owner or owners, and no such change shall be made until such cost bill has been paid and the road graded. When the cost is assessed against the principal petitioner, the clerk of the board of county commissioners shall file the cost bill with the county treasurer, who shall proceed to collect the same. Before considering the petition the board may require the petitioners to secure waivers for the right-of-way from the land owners, and, in such case, before an examination or survey is ordered, the waivers shall be filed with the board of county commissioners.

Bond.

[Amending
§ 5626,
Rem.-Bal.]

Cost bill
filed with
treasurer.

[This por-
tion modifies
§5628,
Rem.-Bal.,
when estab-
lished on
petition.]

SEC. 6. *Examination by Engineer.*

Upon the filing of said petition and said bond, if required, the board of county commissioners shall examine and approve same and if found sufficient shall direct the county engineer to make an examination and survey, as provided for in section three (3) of this act.

(See note to
§3, *supra*.)

SEC. 7. At the time of the hearing on the establishment of said road as provided for by law, the board of county commissioners shall direct the auditor to draw warrants

in favor of the record owner or owners of said property appropriated in said proceeding for the amount of the award made by the board for the appropriation thereof. The auditor shall cash said warrants if the same be not accepted by said owner or owners by the time said petition to condemn is filed with the clerk of the superior court as provided for by law and shall deposit said moneys in court for the use and benefit of said owner or owners. If said warrants be accepted by said owner or owners, or if said money be withdrawn from the registry of the court, the county shall be entitled to a decree of appropriation vesting full title to the property in the county.

Relating to warrants.

[Amending §5638, Rem.-Bal.]

SEC. 8. *Right-of-Way May Be Condemned.*

If any award of damages is not accepted at the time of said hearing it shall be deemed rejected, and the board must then, by order, direct proceedings to procure the right-of-way to be instituted in the superior court of the county by the county attorney of the county in the manner provided by law for the taking of private property for public use.

[See §5635, Rem.-Bal.]

Condemn right-of-way.

SEC. 9. *Condemning Gravel Beds and Stone Quarries.*

Counties shall have the right in the manner provided for in this act, to condemn land or other property for the purpose of securing gravel beds, stone quarries or other material suitable for the construction, building or repair of county roads, and shall have the right to condemn the right-of-ways to reach such property and to gain access thereto. The proceedings shall be the same as provided for herein for the establishment and condemnation of county roads.

[See §5603, Rem.-Bal.]

Gravel beds, stone quarries.

SEC. 10. *Widening County Roads.*

The county shall have the right, in the manner provided for in this act, to condemn land and other property for the purpose of widening county roads already established, to any width allowed by law, and to condemn land and other property for the purpose of changing the course or location of roads already established.

Widening established roads.

[See §§5645-6, Rem.-Bal., as to width of road.]

SEC. 11. *Repealing Clause.*

Repeal.

All laws and parts of laws in conflict herewith are hereby repealed.

Passed by the Senate March 1, 1911.

Passed by the House March 6, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 55.

[S. S. B. 165.]

RELATING TO EXPENDING ROAD AND BRIDGE FUNDS.

AN ACT relating to the expenditure of road and bridge funds in the construction, improvement and repair of public highways and bridges, and amending section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

[Amending
§5585,
Rem.-Bal.]

SECTION 1. That section 5585 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 5585. All the funds in the county treasury raised by the taxation herein provided shall be expended by the county commissioners and all road and bridge construction, improvements or repairs shall be made by the county commissioners in the following manner:

When under
\$2,500.00.

First. All road construction, improvement or repairs of which the estimated cost shall be under \$2,500, and all bridge construction, improvement or repairs of which the estimated cost shall be under \$500, may be done under the direction of the county commissioners and the county engineer.

When above
\$2,500.00.

Second. All road construction, improvement or repairs, of which the estimated cost shall be \$2,500 or more shall be let by contract by the county commissioners on plans and specifications previously prepared by the county engineer under the direction of the board of county commissioners to the lowest and best bidder; calls for said bids

to be made by publication in the official county paper for not less than three consecutive weeks prior to the time set by the county commissioners for the opening of bids: *Provided*, That in any county having no official county paper, such notice shall be given by posting for ten days a notice in three of the most public places in such counties. The county commissioners shall require a bond of the successful bidder for the full amount of the contract price of construction, improvement or repair of roads conditioned for the faithful performance of the contract according to law, and any requirements the county commissioners may impose at the time of advertising for bids. The board of county commissioners shall have the right to reject any and all bids, and in the event of the rejection of all bids, said board of county commissioners may in its discretion, by an unanimous vote, cause such road construction, improvement or repairs to be made by day labor or force account according to the plans and specifications: *Provided further*, That the board of county commissioners may in its discretion provide for the surfacing of any road with crushed rock, macadam, gravel or other material by day labor or force account without advertising for bids as herein provided.

May reject
all bids.

Third. All bridge construction, improvement or repair, of which the estimated cost shall be \$500 or more except in case of emergency as hereinafter provided, shall be let by contract by the board of county commissioners in the same manner as provided for road construction, improvements or repairs under this section: *Provided further*, That in the event of an emergency whereby the delay of advertising for and letting bids would endanger property and unduly cut off communication by travel over such bridge, such contract may be made and entered into without the publication of notice as herein provided.

Call for bids.

Fourth. Each bidder shall deposit with his bid a certified check in an amount equal to five per cent. of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract with the commissioners and furnish

Bidder
deposit
5 per cent.

the bond hereinbefore provided within five days after notice of such award, the amount of said check shall be forfeited to the general road and bridge fund of the county.

Emergency.

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

Passed by the Senate March 2, 1911.

Passed by the House March 6, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 56.

[H. B. 213.]

RELATING TO POWERS OF JUVENILE COURTS.

AN ACT to amend sections 3, 7, 10, 13 and 16 of chapter 190, of the Session Laws of 1909, relating to the powers of juvenile courts, and the care, custody and control of delinquent children.

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

[Amending
§1989,
Rem.-Bal.]

SECTION 1. That section 3, chapter 190, of Session Laws of 1909, approved March 17, 1909, be and the same is hereby amended to read as follows: Sec. 3. In counties containing thirty thousand or more inhabitants, the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session, to be designated as the "Juvenile Court Session," shall be provided for the hearing of such cases and the finding of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record"; and the court may for convenience, be called the "Juvenile Court."

Juvenile
court.

[Amending
§1993,
Rem.-Bal.]

SEC. 2. That section 7 of said act be and the same is hereby amended to read as follows: Sec. 7. The court or judge designated, as provided in section 3* of this act, shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers to receive no

* Section 3 refers to section 1 above.

compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when the child is to be brought before said court; it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and to take such charge of the child before and after trial as may be directed by the court. In addition to the officers above provided for, in counties containing 30,000 or more inhabitants, when it shall appear that there is a necessity for such county officers, the court may, with the approval of the board of county commissioners, appoint one or more persons to act as probation officers and one or more persons who shall have charge of detention rooms or house of detention, all of whom shall be paid as compensation for their services such sums as may be fixed by the board of county commissioners, and who shall be paid as other county officers are paid; such officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or city ordinances, relative to the care, custody and control of delinquent children.

Duty of
probation
officer.

Appoint
officers.

SEC. 3. That section 10 of said act be and the same is hereby amended to read as follows: Sec. 10. The hearings may be conducted in any room provided for the purpose in the courthouse, or building where sessions of the court are held and, as far as practicable, such cases shall not be heard in conjunction with other business of the court. At the hearing of any case involving a child, the court shall have power to exclude the general public from the room where such hearing is had, admitting thereto only such persons as may have a direct interest in the case. The probation officer's investigation record and report in each case, shall be withheld from public inspection, but such records shall be open to the inspection of such child, his

[Amending
§1997,
Rem.-Bal.]

General
public
excluded.

parents, or guardian, or his attorney, and to such other persons as may secure a special order of court therefor. Such records shall be kept as official records of the court until the child named therein shall have reached the age of twenty-one years, at which time they shall be destroyed. After acquiring jurisdiction over any child, the court shall have power to make any order with respect to the custody, care or control of such child, or any order which, in the judgment of the court, would promote the child's health or welfare. In any case of a delinquent or neglected child, the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain at its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may commit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of the child, until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent or neglected children. In no case shall a child be committed beyond the age of 21 years. A child committed to such institution shall be subject to the control thereof and the said institution shall have power to parole such child, on such conditions as it may prescribe, and the court shall have power to discharge such child from custody, whenever in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in its object the care of neglected and delinquent children.

Records
destroyed.

Care of
delinquent.

Discharge
from custody.

SEC. 4. That section 13 of said act be and the same is hereby amended to read as follows: Sec. 13. Counties containing more than fifty thousand inhabitants shall,

[Amending
§2000.
Rem.-Bal.]

and counties containing a lesser number of inhabitants may provide and maintain at public expense a detention room, or house of detention, separated or removed from any jail, or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this act shall, when necessary, be sheltered.

SEC. 5. That section 16 of said act be and the same is hereby amended to read as follows: Sec. 16. In each county the judge presiding over the juvenile court session, as defined in this act, may appoint a board of four reputable citizens, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as twice a year all institutions, societies and associations within the county receiving children under this act, as well as all homes for children or other places where individuals are holding themselves out as care-takers of children. Also to visit other institutions, societies and associations within the state receiving or caring for children whenever requested so to do by the judge of the juvenile court: *Provided*, The actual expenses of such board may be paid by the county commissioners when members thereof are requested to visit institutions outside of the county seat, and no member of the board shall be required to visit any institution outside the county unless his actual traveling expenses shall be paid as aforesaid. Said visits shall be made by not less than two of the members of the board, who shall go together, or make a joint report; the board of visitors shall report to the court from time to time the condition of children received by or in charge of such institutions, societies, associations or individuals. It shall be the duty of every institution, society, association or individual receiving or caring for children to permit any member, or members, of the board of visitation to visit and inspect such institution, society, association or home where such child is kept, in all its departments, so that a full report may be made to the court.

[Amending
§ 2003,
Item.-Bal.]

Board to
visit all
institutions.

Make joint
report.

Passed by the House February 9, 1911.

Passed by the Senate March 2, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 57.

[H. B. 118.]

RELATING TO SERVICE OF JURORS IN SUPERIOR COURTS.

AN ACT relating to the selection, exemption and service of jurors in the superior courts of the State of Washington, and repealing chapter 73 of the Session Laws of 1909.

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

SECTION 1. No person shall be competent to serve as a juror in the superior courts of the State of Washington unless he be (1) an elector and taxpayer of the state, (2) a resident of the county in which he is called for service for more than one year preceding such time, (3) over twenty-one years of age, (4) in full possession of his faculties and of sound mind, (5) able to read and write the English language.

[Superseding §94, Rem.-Bal.]

Qualifications.

SEC. 2. Officers of the United States and of the state, attorneys at law, school teachers, practising physicians, licensed embalmers, active members of the fire and police departments of any municipality, women, and all persons over sixty years of age, shall not be compelled to serve as jurors; and in preparing jury lists, the names of such persons, other than women and persons over sixty years of age, shall, if it be known that they are entitled to be excused from jury service, be omitted from the jury list: *Provided, however,* That the right of any such person to be excused from jury service shall not be cause for challenge as to his competency if he desires to serve: *Provided further,* That any woman desiring to be excused from jury service may claim exemption by signing a written or printed notice thereof and returning same to the sheriff before the date for appearance, and if exemption is claimed by reason of sex, no fee shall be allowed for her appearance. And it shall be the duty of the person serving any summons for jury service to inform the person served of this provision.

[Superseding §98, Rem.-Bal.—see note to that section. This section also modifies §§ 89-93 in so far as a jury is defined to be "a body of men."]

Persons exempt.

SEC. 3. Upon the taking effect of this act, the judge or judges of the superior court of each county in this state

shall divide the county into not less than three nor more than six jury districts, following the lines of voting precincts and arranging the districts in such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records. During the month of July of each year the county clerk of each county in the state shall make up a jury list containing the names of all the qualified jurors in the county, so far as he may be able to ascertain the same from the latest tax rolls and poll books of the county or from any other official sources of information and shall ascertain so far as possible the voting precinct and place of residence of each juror and if these can not be ascertained, the school district in which he lives. He shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names of the jurors in each district upon slips of paper, which shall be similar in size, quality of paper, and writing, and shall deposit such slips in the jury box of the proper district. The jury list shall be revised from year to year, new lists being made up each year, adding thereto the names of new residents, and omitting therefrom the names of persons who may have removed from the county, or who may have served as jurors within five years theretofore (unless they shall be necessary to make up a sufficient list) and the names of the new list shall be deposited in the box for service for that year, as hereinbefore provided.

[Superseding
§ 101.
Rem.-Bal.]

Jury list.

List
revised
yearly.

SEC. 4. Jury terms shall commence on the first Monday of each month, and shall end on the Saturday preceding the first Monday of each month, unless the day of commencing or ending said term be changed by order of the judge or judges of the superior court; but it shall not be necessary to call a jury for any term in any county unless the judge or judges of the superior court of that county shall consider that there is sufficient business to be submitted to a jury to require that one be called. When the

[Superseding
§§ 102, 103,
Rem.-Bal.]

Terms.

Clerk
to draw
jury.

[This part
supersedes
§ 103,
Rem.-Bal.]

Manner of
drawing.

[Superseding
§ 104,
Rem.-Bal.]

Grand jurors.

[Superseding
§ 109,
Rem.-Bal.]

Additional
names.

judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall require the county clerk to draw a jury to serve for the ensuing term, and the county clerk, on the second Saturday of the calendar month preceding the month on which the jury is to be called to serve, shall be blindfolded, and in the presence of the judge or judges or of a court commissioner of the superior court, shall draw from the jury boxes such number of names as the judge or judges may have ordered to be summoned as jurors for the ensuing term. The names shall be drawn in equal numbers from each jury box, and before the drawing is made the boxes shall be shaken up so that the slips bearing the names thereon may be thoroughly mixed, and the drawing of the slips shall depend purely upon chance.

SEC. 5. Whenever the judge or judges of the superior court of any county in the state shall desire to summon a grand jury, the names of persons to serve as grand jurors shall be drawn from the jury list, as hereinbefore provided: *Provided, however,* That the names of the persons who shall serve as grand jurors shall not be stricken from the jury list, and such service shall not excuse them from service upon petit juries, as though they had not been summoned upon the grand jury.

SEC. 6. If for any reason the jurors drawn for service upon a petit jury for any term shall not be sufficient to dispose of the pending jury business, or where no jury is in regular attendance and the business of the court may require the attendance of a jury before a regular term, the judge or judges of the superior court may draw from the jury list such additional names as they may consider necessary, and the persons whose names are so drawn shall thereupon be summoned to serve as jurors forthwith. The judge or judges drawing such additional names, may, in his or their discretion, order and direct that, of such additional jurors, only those living nearest to the county seat or most conveniently reached and found shall be at first summoned by the sheriff, and at any time when a

sufficiency of such persons has been summoned and produced in court, such judge or judges may, in his or their discretion, order and direct the sheriff not to summon the remainder of the additional jurors so drawn. By stipulation or agreement made in open court as a part of the record, the parties to any action may agree that an open venire may be issued to make up a jury in that action, and upon order of the court approving such stipulation and directing the number of jurors to be drawn, the clerk shall issue an open venire, and the sheriff shall fill the same by summoning from the bystanders, or elsewhere, a sufficient number of persons to fill the open venire.

Open venire.

SEC. 7. A person summoned as a juror may be excused from acting as such on account of any of the reasons stated in section 2 hereof; when his own health requires; on account of death in his family, or of illness in his family of such character that he is required to be in attendance thereupon, or when his business interests would be seriously prejudiced by such service. No person, however, shall be excused from service as a juror on account of business reasons unless his service is such as would lead to the waste or destruction of his property; and unless it shall appear that after having been summoned as a juror he had made every reasonable effort to permit of his serving as a juror without causing waste or destruction of his property. When excused for any of the foregoing reasons, or for any reason deemed sufficient by the court, the name of the juror so excused shall remain upon the jury list from which jurors are drawn, and his name returned to the jury box from which it was drawn. Any person applying to be excused from jury service for any of the causes herein specified, may be placed upon oath or affirmation to testify truly in all respects as to the cause for such excuse, and that he will answer truly any question put to him by the judge with respect thereto.

[Superseding
§99, Rem.-
Bal.]May be
excused.Juror un-
der oath.

SEC. 8. In no action or proceeding whatever, except felony cases shall the jury sworn to try the issues therein be kept together and in the custody of the officers of the

[Superseding
§346, Rem.-
Bal.]

Jurors kept together, when.

court, save during the actual progress of the trial, until the case shall have been finally submitted to them for their decision. Whenever the jury are kept together in the custody of the officers when the trial is not in progress, they shall be supplied with meals at regular hours, and with comfortable sleeping and toilet accommodations.

[This section repeals §§94, 98, 99, 101, 102, 103, 104, 109 and 346, Rem.-Bal. The other provisions of that chapter in Rem.-Bal. relating to jurors so far as not inconsistent with this act remain.]

SEC. 9. Chapter seventy-three of the Laws of 1909 being an act entitled "An act relating to the selection, exemption and service of jurors in the superior courts of the state," approved March 10, 1909, is hereby repealed.

Passed by the House January 26, 1911.

Passed by the Senate March 3, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 58.

[H. B. 326.]

RELATING TO SCHOOL FOR THE BLIND.

AN ACT relating to the School for the Blind and making an appropriation therefor.

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

Appropriating \$50,000.

SECTION 1. The state board of control shall erect or cause to be erected on the present site a building or buildings for the School for the Blind; the cost of such building or buildings not to exceed fifty thousand dollars (\$50,000). There is hereby appropriated out of the general fund of the state for purposes hereinabove mentioned, the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary.

Passed by the House February 25, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 59.

[H. B. 373.]

PROVIDING FOR THE CONSTRUCTION OF CAPITOL BUILDINGS.

AN ACT relating to the powers of the state capitol commission, providing for the refunding, paying off and canceling existing claims against the capitol building fund, and for the erection and completion of a capitol building or buildings, authorizing said commission to contract obligations and incur indebtedness therefor and to issue bonds or warrants, or to re-issue or re-fund the same, making appropriations and amending sections 3, 5, 6, and 7 of chapter 69, Laws of 1909, regular session, entitled "An act relating to the sale of lands granted for public buildings at the state capitol, providing for the payment of all the claims against the capitol building fund and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act and declaring an emergency." Approved March 8, 1909, and declaring an emergency.

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

SECTION 1. It is hereby declared to be the purpose and intention of this act:

(A) To provide for the paying off, canceling or refunding, by the issue of bonds therefor, the present outstanding warrant indebtedness against the capitol building fund and the interest due and unpaid thereon at the time of the payment, cancellation or refundment thereof;

Canceling
indebtedness.

(B) To acquire and in the manner authorized, the property described in section one of chapter 20, Laws 1909, special session, approved August 23, 1909, and to use such lands in conjunction with the lands belonging to the state and known as the "Sylvester Site" or "Old Capitol Site" for the erection and building thereon of a group or system of buildings for capitol purposes, and for beautifying, parking and laying out grounds about such capitol buildings, all of which grounds or land shall hereafter be known as "Capitol Place";

Location.

(C) To build on such "Capitol Place" a series or group of buildings for state official purposes. The main or principal building to be built on the foundation

heretofore erected as the foundation for a capitol building, and such main building, when built, to contain the principal executive offices of the state and the rooms and halls for the use of the legislature, which building shall be known, when completed, as the "Capitol," the other buildings to be grouped around and adjacent to said "Capitol" and to be built from time to time as needed;

Buildings
to be
grouped.

(D) For the purpose of providing adequate quarters for the supreme court and its officers, and offices for the attorney-general, and the state law library, thereby relieving the present congested condition of office quarters in the present building now used for capitol purposes, as soon as plans can be provided therefor there shall be erected as one of the capitol buildings on said "Capitol Place" a building to be known as the "Temple of Justice," for the purpose of housing the departments aforesaid, the approximate cost of said building to be \$300,000;

Temple of
Justice.

(E) That the capitol commission shall without delay cause complete topographic and profile maps to be made of the lands composing "Capitol Place," and shall furnish the same at a price to be fixed by the commission to architects seeking to offer plans for "Capitol Place," and said commission shall fix a time not later than the first day of August, 1911, for receiving ground plans for a series or group of buildings on said "Capitol Place," showing the main building or "Capitol," a court building or "Temple of Justice" and at least two other buildings for general offices, and accompanying said plans shall be submitted complete plans and specifications for the construction of said "Temple of Justice" building, and with such further details as to the grounds or buildings, or both, as the capitol commission may call for. The commission may reject any and all plans and may call for new plans from time to time, or may select or adopt all or part of any plan or plans submitted and may enter into the usual contract or agreement with any architect or architects for compensation for plans adopted, or may enter into any contract or agreement for recommendation to the legislature for compensation for any plan or plans adopted in whole or in

Date for
receiving
plans.

May reject
plans.

part, and do any and all things whatsoever to carry out the provisions, purposes, and intent of this act to the end that, as speedily as consistent with economy, suitable, adequate, and commodious buildings and grounds may be provided for official purposes, and that to this purpose, from time to time, new buildings, or additions to buildings theretofore constructed, except additions to the main building, may be constructed, all in accordance with a general plan, and so as not to interfere with the symmetry, grandeur, or architectural beauty of the whole system or group;

May make contract.

(F) That all buildings to be built as herein provided shall be of absolute fire proof construction;

Fire-proof.

(G) That the appropriation or appropriations hereinafter made, or provided for in any subsequent legislation, shall not prohibit the capitol commission from proceeding, should sufficient funds be received from the sales of capitol building lands or materials thereon (but shall be deemed an authorization), to construct the other buildings or to acquire or improve the grounds used for capitol purposes as herein provided, or to further carry out the purposes of this act.

SEC. 2. As defined to be the purpose in section one of this act the said capitol commission shall proceed at once to issue negotiable annual interest bearing bonds against the capitol building fund and to sell the same or to exchange the same for the paying off, refunding and canceling of the present outstanding warrants against the said capitol building fund, including the interest due and unpaid thereon at the time of such payment, cancellation or refunding thereof. Such bonds shall not be sold or exchanged at less than the face value thereof and shall be issued in accordance with the provisions hereinafter defined.

Negotiate bonds.

SEC. 3. The state capitol commission, as soon as it shall have adopted general plans for the construction of buildings on said "Capitol Place" and shall have adopted plans and specifications for the said "Temple of Justice," shall proceed under such terms and conditions as the commission

Call for bids.

may provide, to call for bids and make contracts for the construction and completion of said "Temple of Justice." For the purpose of the construction of said "Temple of Justice" and for acquiring the lands authorized to be acquired by chapter 20, Laws 1909, special session, or so much of said lands as the commission may deem expedient at the time to so acquire, the commission is hereby authorized to issue bonds as in this act provided to the extent of three hundred and fifty thousand dollars (\$350,000), and until such time as said bonds are issued and sold, and for the purpose of providing, without delay, available funds to construct such building and acquire such lands there is hereby appropriated out of the general fund of the state the said sum of three hundred and fifty thousand dollars which amount so appropriated from the general fund shall be deemed a temporary loan only from said general fund and to the amount only as may be needed for the purposes named and until repaid to the general fund from the proceeds of the sale of the bonds as herein authorized: *Provided*, The commission may sell all or part of said bonds at any one time or may exchange any of said bonds in payment in all or in part for the building of said "Temple of Justice," as may be provided in the contract for the construction thereof or by any subsequent agreement.

\$350,000.00
bonds.

Interest-
bearing
coupons.

SEC. 4. Whenever the commission shall have been authorized to do so, as in this act or any further act, to issue bonds it shall issue negotiable annual interest bearing coupon bonds, in denominations of one thousand dollars, payable in five years, or any multiple of five years up to twenty years, but if issued for a longer period than five years, the state to have the right, through the capitol commission, or its successor or successors in such functions, to pay or refund the same at any five-year period during the life of such bonds. Bonds authorized under this act shall bear interest not to exceed four per centum per annum, such bonds and all interest coupons thereof payable at the office of the state treasurer, and no coupon shall draw interest after the date named in such coupon unless there be

Interest four
per cent.

no money in the treasury to pay the same and the treasurer shall stamp thereon "Not paid for want of funds," giving the date of such endorsement, in which event such coupon so stamped shall from such date draw the same rate of interest as it represented on the bonds until it is finally called for payment by the state treasurer. Notice of the time of payment of any bond or coupon shall be made by registered mail to the last known address of the holder thereof as shown on the record of the state treasurer kept for such purpose: *Provided*, No notice shall be required of any payment to be made of any coupon or bond on date named in such coupon or bond. Interest coupons shall be detached by the state treasurer at his office at the time of payment. No bond shall be sold or exchanged for less than the face value thereof, and the commission may, in the call for the sale of any bonds provide that such bonds shall be issued only as deemed necessary by the commission, and the commission may issue a new call at any time or may offer any such bonds for sale from time to time without any formal notice or call for bids thereon. The commission may issue new bonds to take up any issue of bonds theretofore issued, or to take up any issue of warrants, that may have been issued for any purpose authorized in this act or any future act, and the re-issue of any bonds or warrants or the issue of any bonds or warrants to take up any outstanding bonds or warrants or the paying out of any funds raised by the sale of any bonds or warrants shall not be deemed an increase in the amount authorized to be expended or indebtedness created under the provisions of this act.

Par value
maintained.

Re-issue of
bonds.

SEC. 5. Whenever the capitol commission shall offer any bonds for sale, and there shall be in the permanent school fund, or other permanent or investment fund, sufficient uninvested funds to cover the purchase of such issue of bonds or any part thereof, the board, officer or officers, authorized to invest any such fund may invest the same in any of said bonds: *Provided, however*, Whenever any of said bonds are purchased by said school fund or other

Purchase
of bonds.

permanent or investment fund the capitol commission, or the board, commission or officer authorized to succeed it in such functions, may pay any or all of such bonds, so held by the permanent school fund or such other fund at any time there is sufficient money in the capitol building fund for that purpose: *And provided further*, That any and all bonds purchased by any of the permanent funds as in this section provided, shall, for the purposes of such investment, be deemed in all respects state general bonds and shall be guaranteed both principal and interest by the general fund of the state.

Vouchers
signed for
claims.

SEC. 6. All claims authorized to be paid under this act except as otherwise provided or intended, shall be by vouchers signed by the governor as chairman of the capitol commission and attested by the secretary or active secretary thereof, and warrants drawn thereon by the state auditor against the capitol building fund, or other fund or appropriation authorized to be used for such purpose.

Interest paid
from general
fund.

SEC. 7. All interest that may become due on bonds or warrants issued by the capitol commission shall be guaranteed by the state, and such interest shall be paid out of the general fund of the state: *Provided, however*, That any and all expenditures made out of the general fund shall be deemed a loan from said general fund and a debt against the capitol building fund and shall be re-paid to the general fund from the proceeds of the capitol land grant after all other claims against the capitol building fund shall have been paid. Interest payments made out of the general fund as herein authorized may be made when due by the state treasurer and the state auditor shall draw his warrant therefor in favor of the treasurer for the amount so paid.

Refunding.

SEC. 8. Any paying off, or refunding of the present outstanding warrant indebtedness against the capitol building fund shall not be deemed an indebtedness incurred by the state capitol commission and the said capitol commission in addition to the expenditures hereinbefore authorized may at any time expend, for the purposes as out-

lined in section one of this act, any moneys received from the proceeds of the sale or rental of capitol building lands, and all sums of moneys so received are hereby appropriated therefor.

SEC. 9. That section 3 of chapter 69, Laws of 1909, regular session, be hereby amended to read as follows: [Amending
§ 6698,
Rem.-Bal.]

Sec. 3. That the state capitol commission shall cause said lands to be appraised and prepare an abstract or record of all the capitol building lands with such maps and other data as may be deemed necessary to properly show in detail and by legal subdivision the location thereof, and of the timber and other materials thereon, and the character and value thereof, and such record shall be open to inspection to any one desirous of bidding on any such lands or the materials thereon. The commission shall seek proposals by advertising in the public press or otherwise, within or without the state, for the sale of such lands in tracts not to exceed 160 acres in extent, and re-advertise and re-seek other and new proposals or bids as often as said commission shall deem necessary, and may sell any such lands at public auction, with a view to obtaining the full market value of said lands, announcing the times, terms and particulars of sale as is now provided for sale of other state lands: *Provided, however,* The commission may fix times at which offers shall be received on any or all capitol lands, or materials thereon, and the commission may reject or accept any or all such bids but no bid shall be accepted from any bidder for any tract of land or materials on any tract which is not the highest bid offered, except where any bidder has bid on more than one tract his total bids may be taken into consideration in determining the best bid: *Provided further,* That the commission may sell the timber or other materials separate from the land, and said commission shall fix the time in which such timber, or other materials shall be removed from the lands, and may provide that the purchaser of timber or other materials separate from the land shall not be limited as to the time of removal thereof upon payment to the state for

Appraise
lands.

Accept or
reject bids.

May sell
timber
separate.

the use of such lands upon which such timber or other materials are situated of an annual rental to be fixed by the commission at or before the time of sale: *Provided further*, That the commission may lease any of the capitol building lands for agricultural purposes for a period of not exceeding five years and under such terms and conditions as the commission may deem advisable, but all improvements made on any such lands by a lessee thereof shall revert to the state at the expiration of the lease.

SEC. 10. That section 5 of chapter 69, Laws of 1909, regular session, be hereby amended to read as follows: Sec. 5. All sales shall take place at the state capitol and the proceeds of such sale of lands, or the timber or other materials shall be paid into the capitol building fund to be used as in this act provided. All contracts for the construction of capitol buildings shall be let after notice for proposals or bids have been advertised for at least four (4) consecutive weeks in at least three newspapers of general circulation throughout the state.

SEC. 11. That section 6 of chapter 69, Laws of 1909, regular session, be and the same is hereby amended to read as follows: Sec. 6. Upon performance by the purchaser of all such conditions as shall have been fixed by the commission for the sale of any such lands or the timber or other materials thereon, conveyances shall be made therefor by deed executed by the governor[,] attested by the secretary of state, to the extent of the interest so sold to such purchaser.

SEC. 12. That section 7 of chapter 69, Laws of 1909, regular session, be and the same is hereby amended to read as follows: Sec. 7. The commission may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of this act, and all expenses incurred by the commission, and all claims against the capitol building fund shall be audited by the commission and presented in vouchers to the state auditor, who shall draw a warrant therefor against the capitol building

[Amending
§ 6700,
Rem.-Bal.]

Advertise
proposals.

[Amending
§ 6701,
Rem.-Bal.]

[Amending
§ 6702.]

Auditor
draw
warrant.

fund as herein provided or out of any appropriation made for such purpose.

SEC. 13. Any of the amounts herein authorized to be expended or obligations incurred, whether such amounts are specifically named or otherwise are hereby appropriated: *Provided*, That at no time shall the total expenditures for capitol buildings and grounds, whether authorized under this act or any subsequent enactment, exceed the estimated value of the capitol land grant.

SEC. 14. An emergency exists and this act shall take effect immediately. Emergency.

Passed by the House February 24, 1911.

Passed by the Senate March 7, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 60.

[H. S. B. 240.]

TO PREVENT SPREAD OF NOXIOUS WEEDS.

AN ACT to prevent the spread of noxious weeds, relating to the duties of owners, lessees and occupants of land and of district road supervisors in connection therewith, providing a penalty for the violation thereof and amending sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That sections 3038, 3039, 3040 and 3041 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same hereby are amended to read as follows:

Section 3038. It shall be the duty of every owner, lessee, occupant, or agent thereof, or of any person having the care and charge of any land or lands, improved or unimproved, enclosed or unenclosed, in this state, to cut down, or cause to be cut down, all noxious weeds growing thereon, or on any road, street or highway bordering thereon to the

[Amending
§ 3038,
Rem.-Bal.]

Duty of
owner.

center thereof, so often in each and every year as shall be certain to prevent them from going to seed, except that it shall require the cutting of "bull thistles" on all public roads and highways.

[Amending
§ 3039,
Rem.-Bal.]

Misdemeanor.

Section 3039. If any owner, lessee, occupant, agent or person having the care or charge of any such land or lands shall knowingly suffer any noxious weeds to grow thereon, or on any road, street or highway to the center thereof bordering on any such land or lands, and shall permit the seed of any such noxious weeds to ripen, he shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to what is commonly known as "bull thistle" on lands not used for agricultural purposes outside of cities and towns.

[Amending
§ 3040,
Rem.-Bal.]

Duty of
supervisor.

Section 3040. It shall be the duty of each road supervisor in each road district in this state to see that the provisions of this act are carried out within their respective districts, and he shall give notice to the owner, lessee, occupant, agent or person having the care or charge of any land within his district whereon, or in any road, street or highway bordering thereon, any noxious weeds are growing, requiring such owner, lessee, occupant, agent or person having the care or charge thereof, to cause the same to be cut down within ten days from the service of such notice, and in case such owner, lessee, occupant, agent or person having the care or charge thereof shall refuse or neglect to cut down said noxious weeds within said ten days, then the said road supervisor shall enter upon the land, or on any road, street or highway bordering thereon, and cause all said weeds to be cut down with as little damage to growing crops as may be: *Provided*, That when such noxious weeds are growing upon land, or on any road, street or highway bordering thereon, of a non-resident of this state, and such owner has no known agent in the county in which such land is situate, said notice shall be posted in a conspicuous place on the land in view of the traveling public: *And provided*, That in case of noxious weeds growing on the right-of-way of any railroad within said road district, said notice may be

Non-resident
owner.

served on the section foreman in charge of the portion of the right-of-way within said district, or it may be served on any agent of the company in said county: *And provided further*, That in case such noxious weeds are growing on public lands, or on any road, street or highway bordering thereon, not occupied by a lessee, it shall be the duty of said supervisor to cut said weeds as herein provided, and the cost thereof shall be paid by said county out of the general fund: *And also provided further*, That if any such supervisor fails, neglects or refuses to perform or cause to be performed, any of the duties or services enumerated in this section, he shall be deemed guilty of a misdemeanor.

Cost paid
by county.

Section 3041. Each road supervisor shall keep an accurate account of the expenses incurred by him in carrying out the provisions of this act with respect to each parcel of land entered upon therefor, and shall offer or send by mail a statement of such expense, including a description of the land verified by oath, to the owner, lessee, occupant, agent or person having the care or charge thereof, if known, requiring him to pay the same within thirty days. In case payment thereof is not made within said time, the supervisor shall present said claim to the board of county commissioners, and, if the board finds the same accurate, it shall be ordered paid out of the road and bridge fund of said county.

[Amending
§ 3041.
Rem.-Bal.
Code.]

Paid from
road and
bridge fund.

Passed the House February 28, 1911.

Passed the Senate March 8, 1911.

Approved by the Governor March 10, 1911.

CHAPTER 61.

[H. B. 560.]

MISCELLANEOUS APPROPRIATIONS.

AN ACT relating to and making an appropriation for miscellaneous purposes.

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

SECTION 1. That the sum of \$56,217.42 or so much thereof as may be necessary, be and the same is hereby appropriated from the general fund, for miscellaneous purposes, as follows:

Appropriating
\$56,217.42.

Railroad commission	\$11,000 00
Grain inspection	4,000 00
Superior court judges	20,000 00
Insurance code commission	386 60
O. L. Waller	201 73
Printing Constitutional amendments	5,000 00
Repairing shed at capitol foundation and removing old building	500 00
For the investigation of bubonic plague in Asia, under the direction of the state board of health.....	5,000 00
For traveling library (assistant).....	1,500 00
Insurance department	5,000 00
\$800 of which to apply as additional salary for actuary in insurance commissioner's office.	
For relief of W. Lon Johnson.....	7 76
For relief of R. D. Shutt for actual expenses paid by him on state's business as a member of commission created pursuant to chapter 222, Laws, 1909.....	44 16
For relief of L. W. Hydorn, account of money paid to state treasurer	60 00
For purchase of additional land for Veterans' Home at Port Orchard	3,500 00
For relief of Davis & Davis, attorneys, Spokane.....	5 00
For relief of Home Telephone Company of Spokane....	12 50
Total.....	\$56,217 42
Peter Henretty	\$112 50
Geo. Von Eschen.....	79 20
E. S. Jones.....	92 30
Clarence Parker	40 00
	<hr/>
	\$323 00

Washington State Historical Society.....	\$8,000 00
—but in no event to exceed the amount reverting from the appropriation of the \$25,000 already appropriated, by the legislature of 1909, remaining at the close of the present fiscal year.	
Additional building for Eastern Washington Hospital for the Insane.....	75,000 00
For the relief of the Bellingham Normal.....	1,360 00

That there be and hereby is appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of three hundred thirteen and fifty-six one-hundredths (\$313.56) dollars for the relief of the legatees of Abraham Barendse, deceased, said sum having been paid into the treasury of the State of Washington as an inheritance tax in the matter of the estate of Abraham Barendse, deceased, being probate case No. 1490, Whatcom county, Washington, and said amount having been paid in excess of the amount properly chargeable against said estate and never refunded.

Appropriating \$313.56.

The state auditor is hereby authorized and directed to draw his warrant for the said sum of three hundred thirteen and fifty-six one-hundredths (\$313.56) dollars in favor of the legatees of Abraham Barendse, deceased, and the state treasurer is hereby authorized and directed to pay such warrant out of any moneys in the state treasury not otherwise appropriated, upon the presentation thereof endorsed "Peter Schuyleman, executor" "Hurlbut & Neal, attorneys for said legatees."

FROM THE MILITARY FUND.

Naval militia	\$20,000 00
---------------------	-------------

FROM MILITARY FUND.

Salaries and maintenance of the National Guard of Washington, for the fiscal term beginning April 1, 1911, and ending March 31, 1913, the following sums or so much thereof as shall be found necessary:

Military fund.

Salary of adjutant general at \$2,500 per year.....	\$5,000 00
Salary of assistant adjutant general at \$1,500 per year.....	3,000 00
Salary of chief clerk at \$1,200 per year.....	2,400 00
Salary of storekeeper at \$1,200 per year.....	2,400 00
Salary of stenographer at \$900 per year.....	1,800 00
Maintenance	137,000 00

Additional printing	\$1,850 00
For maintenance expenses of the National Guard, already incurred or to be incurred prior to April 1, 1911	13,530 88
For parade and encampment pay of enlisted men, retained under previously existing law.....	8,809 00
For payment of warrants Nos. 6431, 6440, 6462, 6463, drawn upon the military fund of the State of Washington	9,953 51

The appropriation of \$75,000.00 made in chapter 68 of the Session Laws of 1909, for construction of an armory at Bellingham, is hereby continued and re-appropriated, to the end that any balance of said appropriation remaining unexpended shall not lapse at the end of this fiscal period but shall continue thereafter available until the completion of said armory: *Provided*, The total cost of said armory shall not exceed the original appropriation of \$75,000.00.

Armory not to exceed \$75,000.00.

Passed by the House March 7, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 62.

[H. B. 40.]

RELATING TO SUPERIOR COURT OF YAKIMA COUNTY.

AN ACT relating to the superior court of the county of Yakima, the election and appointment of judges therein, and declaring an emergency.

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

SECTION 1. Hereafter there shall be two judges of the superior court of the State of Washington, in and for Yakima county.

[See §9050, Rem.-Bal.]

SEC. 2. The governor shall, upon the taking effect of this act, appoint one additional judge of said superior court, who shall hold his office from the time of his appointment until his successor is elected and qualified, which said successor shall be elected at the general election in November, 1912.

Governor appoint.

SEC. 3. At the general election in November, 1912, there shall be elected two judges of the said superior court in and for Yakima county, whose term of office shall be four years from and after the second Monday in January, 1913, and until their successors are elected and qualified; and every four years thereafter there shall be elected at the general state election two judges of the said superior court, whose terms of office shall be four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified.

Two judges
elected
hereafter.

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

Emergency.

Passed the House February 24, 1911.

Passed the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 63.

[H. B. 206.]

RELATING TO MINE INSPECTOR.

AN ACT relating to the appointment of a mine inspector and deputy mine inspector, and amending section one, chapter seventy-seven of the laws of nineteen hundred and seven and making an appropriation therefor.

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

SECTION 1. That section 1 of chapter 77 of the Laws of 1907 be amended to read as follows: Section 1. That section 1 of an act entitled "An act for the protection of persons working in coal mines," approved March 6, 1897, be and the same hereby is amended to read as follows: Section 1. The governor shall, upon the recommendation of a board to be by him selected and appointed for the purpose of examining candidates to be appointed to the office of mine inspector under the provisions of this act, appoint a properly qualified person to fill the office of state mine inspector. The state mine inspector so appointed shall, with the consent of the governor, appoint a deputy inspector. The inspector and his deputy shall be citizens

[Amending
§ 7372.
Rem.-Bal.]

Qualifica-
tions and
duties.

Salary
\$2,400.00.

Four-year
term.

Appropri-
ating
\$5,400.00.

of the State of Washington, and shall have had at least five years practical experience in coal mining. They shall devote their entire time to the duties of their respective offices, and shall possess other qualifications at present defined by the laws of the State of Washington and not inconsistent with the provisions of this act. The state mine inspector and his deputy shall before entering upon the discharge of their duties each take an oath to discharge their duties impartially and with fidelity to the best of their knowledge and ability. The salary of the state mine inspector shall be twenty-four hundred dollars per annum, and the salary of the deputy inspector shall be eighteen hundred dollars per annum, and both the inspector and his deputy shall be allowed their actual and necessary traveling expenses while in the performance of their duties under the provisions of this act; and the auditor of the state is hereby authorized and directed to draw his warrant on the state treasurer in favor of the inspector or his deputy for the amount due them for their salaries monthly, and also for their expenses upon proper vouchers to be paid out of any moneys in the state treasury not otherwise appropriated. The state mine inspector shall hold his office for the term of four years, and his deputy shall hold office during the pleasure of the inspector. The inspector shall at all times be subject to removal from office by the governor for neglect of duty or malfeasance in the discharge of his duties. The board herein provided for shall consist of one practical coal miner, one owner or operator of a coal mine and one mining engineer, all of whom shall be sworn to the faithful discharge of their duties. The governor shall consult with such board before appointing the mine inspector herein provided for.

SEC. 2. To carry out the provisions of this act there is hereby appropriated out of the general fund not otherwise appropriated the sum of fifty-four hundred dollars (\$5400.00), or so much thereof as may be necessary.

Passed by the House February 9, 1911.

Passed by the Senate March 2, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 64.

[H. B. 201.]

RELATING TO EMINENT DOMAIN.

AN ACT relating to eminent domain proceedings on behalf of the state, and amending section 891 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 891, of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows: Section 891. Whenever any officer; board, commission, or other body representing the state is authorized by the legislature to acquire any land, real estate, premises, or other property deemed necessary for the public uses of the state, or any department or institution thereof, and the officer, board, commission or other body whose duty it is to acquire such land, real estate, premises, or other property is unable to agree with the owner or owners thereof for its purchase, it shall be the duty of the attorney general to present to the superior court of the county in which said land, real estate, premises, or other property so sought to be acquired or appropriated shall be situated, a petition in which the land, real estate, premises, or other property sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer, or other person or party interested in the same, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money to such owner or owners, respectively, and to all tenants, incumbrancers, and others interested, for taking such lands, real estate, premises, or other property, or in case a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law, then that the compensation to

[Amending
§ 891, Rem-
Bal.]

Actions to
condemn.

Jury to
determine.

Jury waived,
judge to act.

be made as aforesaid be ascertained and determined by the court or judge thereof.

Passed by the House February 23, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 65.

[H. B. 266.]

RELATING TO POWDER AND OTHER EXPLOSIVES.

AN ACT relating to the handling, storage and distribution of powder and other explosives used in connection with coal mining and providing penalties for the violation thereof.

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

SECTION 1. Each person, firm or corporation engaged in coal mining, requiring the use of powder or other explosives, shall provide (subject to the approval of the state mine inspector), at or near the entrance of each coal mine operated, at some suitable place near such work, a suitable distributing magazine for the storage of such powder or other explosives. There shall be posted upon such magazine a notice, printed in letters not less than three inches in height, that such magazine contains explosives. No person shall store or keep in any magazine mentioned in this section any powder or other explosive in excess of one ton. In the case of coal mines such powder or other explosive shall be issued daily in quantities not to exceed the average used by each workman in one day, in proper receptacles. Any person or corporation violating or failing to comply with the provisions of this section shall be guilty of a gross misdemeanor.

SEC. 2. Any person who shall store or keep any powder or other explosive in a quantity greater than one pound in any occupied dwelling house or residence or in any

[See generally §§7372-7408, Rem.-Bal., relative to coal mines. See, also, §§2504, 2506, and 8308, Rem.-Bal.]

Distributing magazine.

Quantity stored.-

outhouse appertaining thereto within three hundred feet of any dwelling shall be guilty of a misdemeanor.

Passed by the House February 16, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 66.

[H. B. 336.]

PAYMENT OF CLAIMS OF COUNTY COMMISSIONERS.

AN ACT relating to the auditing and payment of claims of county commissioners and repealing sections 3884, 3885, 3886 and 3887 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Whenever a member of the board of county commissioners of any county shall have a claim for compensation for per diem and expenses for attendance upon any special or extra session of the board of county commissioners of which he is a member or a claim for compensation for extra services or expenses incurred as such commissioner such claim shall be verified by him and after being approved by a majority of the board of county commissioners of such county shall be filed with the clerk of the superior court and be approved by the superior judge of such county or any superior judge holding court in such county. If the judge so approve it or any part thereof the same shall be certified by the clerk under the seal of his office and be returned to the county auditor who shall draw a warrant therefor: *Provided*, The superior judge may make such investigation as he shall deem necessary to determine the correctness of such claim and may, after such investigation, approve or reject any part of such claim: *Provided further*, The superior court shall not be required oftener than once in each month to pass upon any such claims and the court may fix a time in each month by general order filed with the clerk of the board

[Superseding §§3884-7, inclusive, Rem.-Bal. See Sec. 2 *infra*.]

Extra sessions.

Judge determine correctness.

of county commissioners on or before which such claims must be filed with the clerk of the superior court.

SEC. 2. That sections 3884, 3885, 3886 and 3887 of Remington and Ballinger's Annotated Codes and Statutes of Washington, are hereby repealed.

Passed by the House March 2, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

[Repealing
§§3884-7,
inclusive,
Rem.-Bal.]

CHAPTER 67.

[H. B. 269.]

RELATING TO WHARF PRIVILEGES.

AN ACT to authorize the legislative authorities of any city of the first class in the State of Washington to rent or lease any wharf or privileges thereon owned by such city, for periods not exceeding one year; and declaring an emergency.

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

SECTION 1. The legislative authorities of any city of the first class in this state are authorized and empowered to rent or lease the whole or any part of any wharf or privileges thereon owned by such city, in such manner as may be prescribed by general ordinance, for periods not exceeding one year.

Rent or lease
wharf.

SEC. 2. An emergency exists and this act shall take effect immediately after its passage and approval.

Emergency.

Passed by the House March 6, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 68.

[H. B. 428.]

RELIEF FOR FIGHTING FOREST FIRES.

AN ACT for the relief of certain persons.

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

SECTION 1. There is hereby appropriated out of any moneys in the general fund of the state not otherwise appropriated the sum of two hundred and six dollars and twenty-five cents (\$206.25) for the relief of H. L. Searle *et al.* for services performed in fighting forest fires in Skagit county to be appropriated as follows:

H. L. Searle.....	\$9 50
Edmond O'Leary	13 25
Elmer Garland	15 50
Andy Hensley	6 00
Clifford Hensley	6 00
Warner Garland	13 00
Rufus Anderson	13 00
Roy Prichard	8 00
Lee Holman	3 50
D. Hubbard	25 00
Glen Thompson	23 50
Ira Hensley	6 00
J. S. Olson.....	16 25
Harry Thompson	10 50
Wm. Marsla	37 25
Total.....	<u>\$206 25</u>

Appropriat-
ing \$206.25.

Passed by the House March 7, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 69.

[H. B. 69.]

RELATING TO STATE INSTITUTIONS OF HIGHER
EDUCATION.

AN ACT relating to the state institutions of higher education, creating a fund to be known as the University Fund; a fund to be known as the Washington State College Fund; a fund to be known as the Cheney Normal School Fund; a fund to be known as the Ellensburg Normal School Fund; a fund to be known as the Bellingham Normal School Fund; and making provision for the annual levy of a tax to produce revenue therein for the maintenance, construction and repair of buildings, and the equipment of said institutions.

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

SECTION 1. The terms "State Institutions of Higher Education" as used in this act shall include the University of Washington, the Washington State College, the State Normal School at Cheney, the State Normal School at Ellensburg, and the State Normal School at Bellingham.

Term
includes.

SEC. 2. There is hereby created a fund to be known as the "University Fund"; a fund to be known as the "Washington State College Fund"; a fund to be known as the "Cheney Normal School Fund"; a fund to be known as the "Ellensburg Normal School Fund"; and a fund to be known as the "Bellingham Normal School Fund."

SEC. 3. All moneys arising from the tax herein directed to be levied for the said several institutions of higher education shall be paid into the respective funds hereby created.

SEC. 4. The state board of equalization shall, beginning with the fiscal year 1912 and annually thereafter, at the time of levying taxes for state purposes, levy upon all property subject to taxation a tax of forty-seven and one-half one-hundredths ($47\frac{1}{2}$ -100) of one mill for the State University Fund; thirty-two and one-half one-hundredths ($32\frac{1}{2}$ -100) of one mill for the Washington State College Fund; nine one-hundredths (9-100) of one mill for the Cheney Normal School Fund; seven one-hundredths (7-

Tax levy.

100) of one mill for the Ellensburg Normal School Fund; and nine one-hundredths (9-100) of one mill for the Bellingham Normal School Fund. After January 1, 1916, it shall be the duty of the governor upon request of the president of any of the institutions of higher learning to appoint a commission of five members to investigate reasons for changing the levy herein provided for, and to report to him in time for action, if any is necessary, by the legislature of 1917.

SEC. 5. All sums of money produced by said tax shall be placed in said several funds and hereby set apart for the use of the several institutions herein provided for, for the purpose of maintenance, repairs and construction of buildings, and equipment thereof. Purpose.

Passed by the House March 7, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 70.

[H. B. 482.]

RELATING TO EXPENSE AND MAINTENANCE OF HIGHWAY COMMISSIONER.

AN ACT making appropriation for the salaries, maintenance, and sundry expenses of the office of highway commissioner of the State of Washington.

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

SECTION 1. That the following sums, or so much thereof as shall be found necessary, are hereby appropriated out of any monies in the public highway fund not otherwise appropriated, for the salaries, maintenance and sundry expenses of the office of highway commissioner of the State of Washington: Appropriating \$45,700.00.

Salary of commissioner, at \$5,000 per year.....	\$10,000
Traveling expenses of commissioner.....	1,500
Salary of chief engineer, at \$2,400 per year.....	4,800
Salary of chief clerk, at \$2,000 per year.....	4,000
Salary of stenographer, at \$900 per year.....	1,800
Salary of bookkeeper, at \$1,200 per year.....	2,400

Salary of draftsman, at \$1,800 per year	\$3,600
Salary of right-of-way agent, at \$2,000 per year.....	4,000
Traveling expenses of chief engineer.....	1,500
Traveling expenses of right-of-way agent.....	1,500
Extra clerk hire and incidental expenses.....	4,000
Office expenses	4,000
Engineering instruments and outfit.....	1,000
Printing	1,100
Traveling expenses of state auditor and state treasurer, as members of highway board, excepting highway com- missioner	500
Total.....	\$45,700

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 71.

[H. B. 357.]

RELATING TO WAGES PAID CHAINMEN, RODMEN, AXMEN
AND FLAGMEN.

AN ACT amending section 5632, Remington and Ballinger's Annotated Codes and Statutes, and relating to wages to be paid to chainmen, rodmen, axmen, flagmen and other necessary assistants employed in surveying and laying out county roads.

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

SECTION 1. Section 5632, Remington and Ballinger's Annotated Codes and Statutes, be and the same is hereby amended to read as follows: Section 5632. The chainmen, rodmen, axmen, flagmen, and all necessary assistants employed in such survey to assist the county engineer, shall be paid such salary for their services as the board of county commissioners shall determine upon, to be paid out of the proper fund of the county.

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

[Amending
§ 5632.
Rem.-Bal.]

Board to
fix wages.

CHAPTER 72.

[H. B. 452.]

RELATING TO RELIEF OF SKAGIT COUNTY.

AN ACT for the relief of Skagit county and making an appropriation therefor.

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

SECTION 1. That there be and is hereby appropriated out of any moneys in the state highway fund in the state treasury not otherwise appropriated, the sum of \$500.50 for the relief of Skagit county, the same being the amount paid by said Spagit county to the State of Washington, over and above amount which should have been paid by said county on account of the Stevens contract on State Aid Road No. 46.

Appropriating \$500.50.

SEC. 2. That the state auditor is hereby authorized and directed to draw a warrant on the state treasurer for the said sum of \$500.50 in favor of said Skagit county and the state treasurer is hereby directed to pay such warrant out of any funds in the state treasury not otherwise appropriated.

Auditor draw warrant.

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 73.

[H. B. 557.]

PROVIDING FOR COMPLETION OF MESKILL QUARRY.

AN ACT providing for the completion of the Meskill rock quarry located in Lewis county, and making an appropriation therefor.

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

SECTION 1. For the purpose of purchasing and installing crushing machinery, appliances, tools and cars to be used in the Meskill rock quarry in Lewis county, and for

Appropriat-
ing \$35,000.

the purpose of fully completing and equipping said rock quarry so that the same can be operated, there is hereby appropriated the sum of thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, out of the state highway fund.

SEC. 2. All monies received from the sale of the products of the Meskill quarry shall be paid into the "Quarries Rotary Fund," as provided by law, and out of such rotary fund there shall be appropriated and used from time to time such sum or sums as are necessary for the purpose of maintaining the Meskill quarry in connection with the other rock quarries of the state. Such sum or sums shall be expended on the order of the state highway commissioner as by law provided in the case of the other quarries.

Superintend-
ent manage.

SEC. 3. The superintendent of quarries appointed by the state highway commissioner shall have jurisdiction over, and control of all superintendence, management and direction of the Meskill quarry, subject to the direction and authority of the state highway commissioner as in the case of other rock quarries.

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 74.

[H. B. 14.]

RELATING TO COMPENSATION OF INJURED WORKMEN.

AN ACT relating to the compensation of injured workmen in our industries, and the compensation to their dependents where such injuries result in death, creating an industrial insurance department, making an appropriation for its administration, providing for the creation and disbursement of funds for the compensation and care of workmen injured in hazardous employment, providing penalties for the non-observance of regulations for the prevention of such injuries and for violation of its provisions, asserting and exercising the police power in such cases, and, except in certain specified cases, abolishing the doctrine of negligence as a ground for recovery of damages against employers, and depriving the courts of jurisdiction of such controversies, and repealing sections 6594, 6595, and 6596 of Remington and Ballinger's Annotated Codes and Statutes of Washington, relating to employes in factories, mills or workshops where machinery is used, actions for the recovery of damages and prescribing a punishment for the violation thereof.

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

SECTION 1. *Declaration of Police Power.*

The common law system governing the remedy of workmen against employers for injuries received in hazardous work is inconsistent with modern industrial conditions. In practice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the workman and that little only at large expense to the public. The remedy of the workman has been uncertain, slow and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the state depends upon its industries, and even more upon the welfare of its wage-worker. The State of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for workmen, injured in extra hazardous work, and their families and dependents is hereby provided regardless of questions of fault and to

Declaration.

Exercise
police
powers.

the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this act; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the state over such causes are hereby abolished, except as in this act provided.

SEC. 2. *Enumeration of Extra Hazardous Works.*

There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extra hazardous" wherever used in this act, to-wit:

Extra
hazardous
employment.

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering and ship building operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads. If there be or arise any extra hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risks classified in section 4.

SEC. 3. *Definitions.*

In the sense of this act words employed mean as here stated, to-wit:

Factories mean undertakings in which the business of

working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern. Defining terms.

Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control. Workshop.

Mill means any plant, premises, room or place where machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers. Mill.

Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground. Mine.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes. Quarry.

Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals; electric, steam or water power plants; telegraph and telephone plants and lines; electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used. Engineering.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this state in any extra hazardous work. Employer.

Workman means every person in this state, who, after Workman.

September 30, 1911, is engaged in the employment of an employer carrying on or conducting any of the industries scheduled or classified in section 4, whether by way of manual labor or otherwise, and whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer: *Provided, however,* That if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the state may be prosecuted, or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Benefits
to whom.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the pay roll at a salary or wage not less than the average salary or wage named in such pay roll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances as and subject to the same obligations as a workman.

Dependent.

Dependent means any of the following named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of sixteen years, viz.: invalid child over the age of sixteen years, daughter, between sixteen and eighteen years of age, father, mother, grandfather, grandmother, step-father,

step-mother, grandson, granddaughter, step-son, step-daughter, brother, sister, half-sister, half-brother, niece, nephew, who, at the time of the accident, are dependent, in whole or in part, for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens, other than father or mother, not residing within the United States at the time of the accident, are not included.

Beneficiary means a husband, wife, child or dependent of a workman, in whom shall vest a right to receive payment under this act. Beneficiary.

Invalid means one who is physically or mentally incapacitated from earning. Invalid.

The word "child," as used in this act, includes a post-humous child, a child legally adopted prior to the injury, and an illegitimate child legitimated prior to the injury. Child.

The words injury or injured, as used in this act, refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease. Injury.

SEC. 4. *Schedule of Contribution.*

Insomuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to January 15th of each year, pay into the state treasury, in accordance with the following schedule, a sum equal to a percentage of his total pay roll for that year, to-wit: (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard): Schedule of costs.

CONSTRUCTION WORK.

Tunnels; bridges; trestles; sub-aqueous works; ditches and canals (other than irrigation without blasting); dock excavation; fire escapes; sewers; house moving; house wrecking .....	.065	
Iron, or steel frame structures or parts of structures.....	.080	Schedule as applied.
Electric light or power plants or systems; telegraph or telephone systems; pile driving; steam railroads.....	.050	
Steeple, towers or grain elevators, not metal framed; dry-docks without excavation; jetties; breakwaters; chimneys; marine railways; waterworks or systems; electric railways with rock work or blasting; blasting; erecting fireproof doors or shutters.....	.050	

Steam heating plants; tanks, water towers or windmills, not metal frames..... .040

Shaft sinking060

Concrete buildings; freight or passenger elevators; fire-proofing of buildings; galvanized iron or tin works; gas works, or systems; marble, stone or brick work; road making with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys050

Excavations not otherwise specified; blast furnaces..... .040

Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings..... .035

Ship or boat building or wrecking with scaffolds; floating docks045

Carpenter work not otherwise specified..... .035

Installation of steam boilers or engines; placing wire in conduits; installing dynamos; putting up belts for machinery; marble, stone or tile setting, inside work; mantle setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; ship or boat rigging; concrete laying in floors, foundations or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified..... .030

Drilling wells; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems; glass setting; building hot houses; lathing; paper hanging; plastering; inside plumbing; wooden stair building; road making..... .020

OPERATION (INCLUDING REPAIR WORK) OF

(All combinations of material take the higher rate when not otherwise provided).

Operation,
repair work.

Logging railroads; railroads; dredges; interurban electric railroads using third rail system; dry or floating docks. .050

Electric light or power plants; interurban electric railroads not using third rail system; quarries..... .040

Street railways, all employes; telegraph or telephone systems; stone crushing; blasting furnaces; smelters; coal mines; gas works; steamboats; tugs; ferries..... .030

Mines, other than coal; steam heating or power plants..... .025

Grain elevators; laundries; waterworks; paper or pulp mills; garbage works..... .020

FACTORIES USING POWER-DRIVEN MACHINERY.

Factories.

Stamping tin or metal..... .045

Bridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; saw mills; shingle mills; staves; veneer; box; lath; pack-

ing cases; sash, door or blinds; barrel; keg; pail; basket; tub; wooden ware or wooden fibre ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement; stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile treating works.....	.025
Excelsior; iron, steel, copper, zinc, brass or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware; tile; brick; terra cotta; fire clay; pottery; earthenware; porcelain ware; peat fuel; brickettes .....	.020
Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified.....	.020
Cordage; working in food stuffs, including oils, fruits and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified.	.015
Making jewelry, soap, tallow, lard, grease, condensed milk.	.015
Creameries; printing; electrotyping; photo-engraving; engraving; lithographing .....	.015
MISCELLANEOUS WORK.	
Stevedoring; longshoring .....	.030
Operating stock yards, with or without railroad entry; packing houses .....	.025
Wharf operation; artificial ice, refrigerating or cold storage plants; tanneries; electric systems not otherwise specified	.020
Theater stage employes.....	.015
Fire works manufacturing.....	.050
Powder works .....	.100

Miscellaneous.

The application of this act as between employers and workmen shall date from and include the first day of October, 1911. The payment for 1911 shall be made prior to the day last named, and shall be preliminarily collected upon the pay roll of the last preceding three months of operation. At the end of each year an adjustment of accounts shall be made upon the basis of the actual pay roll. Any shortage shall be made good on or before February 1st, following. Every employer who shall enter into business at any intermediate day shall make his payment for the initial year or portion thereof before commencing operation; its amount shall be calculated upon his estimated pay roll, an adjustment shall be made on or before February 1st of the following year in the manner above provided.

Use pay roll of three months prior.

Shortage made good.

For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. There shall be collected from each class as an initial payment into the accident fund as above specified on or before the 1st day of October, 1911, one-fourth of the premium of the next succeeding year, and one-twelfth thereof at the close of each month after December, 1911: *Provided*, Any class having sufficient funds credited to its account at the end of the first three months or any month thereafter, to meet the requirements of the accident fund, that class shall not be called upon for such month. In case of accidents occurring in such class after lapsed payment or payments said class shall pay the said lapsed or deferred payments commencing at the first lapsed payment, as may be necessary to meet such requirements of the accident fund.

Premiums,
when paid.

The fund thereby created shall be termed the "accident fund" which shall be devoted exclusively to the purpose specified for it in this act.

Accident
fund.

In that the intent is that the fund created under this section shall ultimately become neither more or less than self-supporting, exclusive of the expense of administration, the rates in this section named are subject to future adjustment by the legislature, and the classifications to rearrangement following any relative increase or decrease of hazard shown by experience.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid from the wages or earnings of his workmen or any of them, and the making or attempt to make any such deduction shall be a gross misdemeanor. If, after this act shall have come into operation, it is shown by experience under the act, because of poor or careless management, any establishment or work is unduly dangerous in comparison with other like establishments or works, the department

Deductions
from wages
unlawful.

may advance its classification of risks and premium rates in proportion to the undue hazard. In accordance with the same principle, any such increase in classification or premium rate, shall be subject to restoration to the schedule rate. Any such change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the year shall, at the time of the annual adjustment, be adjusted by the department in proportion to its duration in accordance with the schedule of this section. If, at the end of any year, it shall be seen that the contribution to the accident fund by any class of industry shall be less than the drain upon the fund on account of that class, the deficiency shall be made good to the fund on the 1st day of February of the following year by the employers of that class in proportion to their respective payments for the past year.

May advance classification.

Deficiency made good.

For the purposes of such payment and making good of deficit the particular classes of industry shall be as follows:

CONSTRUCTION WORK.

Class 1. Tunnels; sewer; shaft sinking; drilling wells.

Class 2. Bridges; mill wrighting; trestles; steeples, towers or grain elevators not metal framed; tanks, water towers, wind-mills not metal framed.

Construction work.

Class 3. Sub-aqueous works; canal other than irrigation or docks with or without blasting; pile driving; jetties; breakwaters; marine railways.

Class 4. House moving; house wrecking; safe moving.

Class 5. Iron or steel frame structures or parts of structures; fire escapes; erecting fire-proof doors or shutters; blast furnaces; concrete chimneys; freight or passengers elevators; fire proofing of buildings; galvanized iron or tin work; marble, stone or brick work; roof work; slate work; plumbing work; metal smoke stack or chimneys; advertising signs; ornamental metal work in buildings; carpenter work not otherwise specified; marble, stone or tile setting; mantle setting; metal ceiling work; painting of buildings or structures; concrete laying in floors of

Classes named and numbered.

foundations; glass setting; building hot houses; lathing; paper hanging; plastering; wooden stair building.

Class 6. Electric light and power plants or system; telegraph or telephone systems; cable or electric railways with or without rock work or blasting; waterworks or systems; steam heating plants; gas works or systems; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; installation of automatic sprinklers; covering steam pipes or boilers; installation of machinery not otherwise specified; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems.

Class 7. Steam railroads; logging railroads.

Class 8. Road making; street or other grading; concrete laying in street paving; asphalt laying.

Class 9. Ship or boat building with scaffolds; shipwrighting; ship or boat rigging; floating docks.

OPERATION (INCLUDING REPAIR WORK) OF

Class 10. Logging; saw mills; shingle mills; lath mills; lath mills; masts and spars with or without machinery.

Class 12. Dredges; dry or floating docks.

Class 13. Electric light or power plants or systems; steam heat or power plants or systems; electric systems not otherwise specified.

Class 14. Street railways.

Class 15. Telegraph systems; telephone systems.

Class 16. Coal mines.

Class 17. Quarries; stone crushing; mines other than coal.

Class 18. Blast furnaces; smelters; rolling mills.

Class 19. Gas works.

Class 20. Steamboats; tugs; ferries.

Class 21. Grain elevators.

Class 22. Laundries.

Class 23. Water works.

Class 24. Paper or pulp mills.

Class 25. Garbage works; fertilizer.

Classes
continued.

FACTORIES (USING POWER-DRIVEN MACHINERY).

- Class 26. Stamping tin or metal. Factories.
- Class 27. Bridge work; making steam shovels or dredges; tanks; water towers.
- Class 28. Railroad car or locomotive making or repairing.
- Class 29. Cooperage; staves; veneer; box; packing cases; sash[,] door or blinds; barrel; keg; pail; basket; tub; wood ware or wood fibre ware; kindling wood; excelsior; working in wood not otherwise specified.
- Class 30. Asphalt.
- Class 31. Cement; stone with or without machinery; building material not otherwise specified.
- Class 32. Canneries of fruits or vegetables.
- Class 33. Canneries of fish or meat products.
- Class 34. Iron, steel, copper, zinc, brass or lead articles or wares; hardware; boiler works; foundries; machine shops not otherwise specified.
- Class 35. Tile; brick; terra cotta; fire clay; pottery; earthenware; porcelain ware.
- Class 36. Peat fuel; brickettes.
- Class 37. Breweries; bottling works.
- Class 38. Cordage; working in wool, cloth, leather, paper, brush, rubber or textile not otherwise specified.
- Class 39. Working in food stuffs, including oils, fruits, Classification. vegetables.
- Class 40. Condensed milk; creameries.
- Class 41. Printing; electrotyping; photo-engraving; engraving; lithographing; making jewelry.
- Class 42. Stevedoring; longshoring; wharf operation.
- Class 43. Stock yards; packing houses; making soap, tallow, lard, grease; tanneries.
- Class 44. Artificial ice, refrigerating or cold storage plants.
- Class 45. Theater stage employees.
- Class 46. Fire works manufacturing; powder works.
- Class 47. Creosoting works; pile treating works.

Average
rate, when.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the pay roll of each occupation if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment, taking into consideration the number of employes and the relative hazards. If an employer besides employing workmen in extra hazardous employment shall also employ workmen in employments not extra hazardous the provisions of this act shall apply only to the extra hazardous departments and employments and the workmen employed therein. In computing the pay roll the entire compensation received by every workman employed in extra hazardous employment shall be included, whether it be in the form of salary, wage, piece work, overtime, or any allowance in the way of profit-sharing, premium or otherwise, and whether payable in money, board, or otherwise.

SEC. 5. *Schedule of Awards.*

Awards.

Each workman who shall be injured whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

COMPENSATION SCHEDULE.

Schedule of
compensation.

(a) Where death results from the injury the expenses of burial shall be paid in all cases, not to exceed \$75.00 in any case, and

(1) If the workman leaves a widow or invalid widower, a monthly payment of \$20.00 shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur; and the surviving spouse shall also receive \$5.00 per month for each child of the deceased under the age of sixteen years at time of the occurrence of the injury until such minor child shall

reach the age of sixteen years, but the total monthly payment under this paragraph (1) of subdivision (a) shall not exceed \$35.00. Upon remarriage of a widow she shall receive, once and for all, a lump sum equal to twelve times her monthly allowance, viz.: the sum of \$240.00, but the monthly payment for the child or children shall continue as before.

(2) If the workman leaves no wife or husband, but a child or children under the age of sixteen years, a monthly payment of \$10.00 shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed \$35.00, and any deficit shall be deducted proportionately among the beneficiaries.

Paid to
children.

(3) If the workman leaves no widow, widower, or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent. of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed \$20.00 per month. If any dependent is under the age of sixteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Paid to
dependents.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive \$20.00 per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Paid to
parents.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of sixteen years, the sum he or she shall be receiving on account of such child or children shall be thereafter,

Paid to
children.

until such child shall arrive at the age of sixteen years, paid to the child increased 100 per cent., but the total to all children shall not exceed the sum of thirty-five dollars per month.

Permanent
total
disability.

(b) Permanent total disability means the loss of both legs or both arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury the workman shall receive monthly during the period of such disability:

Classifica-
tion.

(1) If unmarried at the time of the injury, the sum of \$20.00.

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of \$25.00. If the husband is not an invalid, the monthly payment of \$25.00 shall be reduced to \$15.00.

(3) If the workman have a wife or husband and a child or children under the age of sixteen years, or, being a widow or widower, have any such child or children, the monthly payment provided in the preceding paragraph shall be increased by five dollars for each such child until such child shall arrive at the age of sixteen years, but the total monthly payment shall not exceed thirty-five dollars.

Death of
injured.

(c) If the injured workman die during the period of total disability, whatever the cause of death, leaving a widow, invalid widower or child under the age of sixteen years, the surviving widow or invalid widower shall receive twenty dollars per month until death or remarriage, to be increased five dollars per month for each child under the age of sixteen years until such child shall arrive at the age of sixteen years; but if such child is or shall be without father or mother, such child shall receive ten dollars per month until arriving at the age of sixteen years. The total combined monthly payment under this paragraph shall in no case exceed thirty-five dollars. Upon remar-

riage the payments on account of a child or children shall continue as before to the child or children.

(d) When the total disability is only temporary, the schedule of payment contained in paragraphs (1), (2) and (3) of the foregoing subdivision (d) shall apply so long as the total disability shall continue, increased 50 per cent. for the first six months of such continuance, but in no case shall the increase operate to make the monthly payment exceed sixty per cent. of the monthly wage (the daily wage multiplied by twenty-six) the workman was receiving at the time of his injury. As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury the payments shall cease. If and so long as the present earning power is only partially restored the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

Temporary
total
disability.

From acci-
dent fund,
when.

(e) For every case of injury resulting in death or permanent total disability it shall be the duty of the department to forthwith notify the state treasurer, and he shall set apart out of the accident fund a sum of money for the case, to be known as the estimated lump value of the monthly payments provided for it, to be calculated upon the theory that a monthly payment of twenty dollars, to a person thirty years of age, is equal to a lump sum payment, according to the expectancy of life as fixed by the American Mortality Table, of four thousand dollars, but the total in no case to exceed the sum of four thousand dollars. The state treasurer shall invest said sum at interest in the class of securities provided by law for the investment of the permanent school fund, and out of the same and its earnings shall be paid the monthly installments and any lump sum payment then or thereafter arranged for the case. Any deficiency shall be made good out of, and any balance or overplus shall revert to the

Notify state
treasurer.

Treasurer
keep ac-
count.

accident fund. The state treasurer shall keep accurate account of all such segregations of the accident fund, and may borrow from the main fund to meet monthly payments pending conversion into cash of any security, and in such case shall repay such temporary loan out of the cash realized from the security.

Defining per-
manent par-
tial dis-
ability.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where legaments are severed, or any other injury known in surgery to be permanent partial disability. For any permanent partial disability resulting from an injury, the workman shall receive compensation in a lump sum in an amount equal to the extent of the injury, to be decided in the first instance by the department, but not in any case to exceed the sum of \$1,500.00. The loss of one major arm at or above the elbow shall be deemed the maximum permanent partial disability. Compensation for any other permanent partial disability shall be in the proportion which the extent of such disability shall bear to the said maximum. If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent. of the amount awarded the minor workman.

Additional
injury.

(g) Should a further accident occur to a workman already receiving a monthly payment under this section for a temporary disability, or who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjusted according to the other provisions of this section and with regard to the combined effect of his injuries, and his past receipt of money under this act.

May readjust
rate.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated in any case the department may, upon the application of the beneficiary or upon its own motion, readjust for future application the rate of compensation in

accordance with the rules in this section provided for the same, or in a proper case terminate the payments.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act. Not under act, when.

(j) If a beneficiary shall reside or remove out of the state the department may, in its discretion, convert any monthly payments provided for such case into a lump sum payment (not in any case to exceed \$4,000.00) upon the theory, according to the expectancy of life as fixed by the American Mortality Table, that a monthly payment of \$20.00 to a person thirty years of age is worth \$4,000.00, or, with the consent of the beneficiary, for a smaller sum. Maximum payment.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

SEC. 6. *Intentional Injuries—Status of Minors.*

If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act and also have cause of action against the employer, as if this act had not been enacted, for any excess of damage over the amount received or receivable under this act. Intentional injury.

A minor working at an age legally permitted under the laws of this state shall be deemed *sui juris* for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump sum payment becoming due Minor workman.

under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors.

SEC. 7. *Conversion into Lump Sum Payment.*

In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump sum payment (not in any case to exceed \$4,000.000), on the theory, according to the expectancy of life as fixed by the American Mortality Table, that a monthly payment of \$20.00 to a person thirty years of age is worth the sum of \$4,000.00, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversion may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children, the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the department and the beneficiary.

Lump sum
payment.

SEC. 8. *Defaulting Employers.*

If any employer shall default in any payment to the accident fund hereinbefore in this act required, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. In respect to any injury happening to any of his workmen during the period of any default in the payment of any premium under section 4, the defaulting employer shall not, if such default be after demand for payment, be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or the husband, wife, child or dependent of such workman in case death result from the accident), as he would have been prior to the passage of this act.

Employer
defaulting.

In case the recovery actually collected in such suit shall equal or exceed the compensation to which the plaintiff therein would be entitled under this act, the plaintiff shall not be paid anything out of the accident fund; if the

Collecting
in excess.

said amount shall be less than such compensation under this act, the accident fund shall contribute the amount of the deficiency. The person so entitled under the provisions of this section to sue shall have the choice (to be exercised before suit) of proceeding by suit or taking under this act. If such person shall take under this act, the cause of action against the employer shall be assigned to the state for the benefit of the accident fund. In any suit brought upon such cause of action the defense of fellow servant and assumption of risk shall be inadmissible, and the doctrine of comparative negligence shall obtain. Any such cause of action assigned to the state may be prosecuted or compromised by the department in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Compromise
only on
approval.

SEC. 9. *Employer's Responsibility for Safeguard.*

If any workman shall be injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or be, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he shall be engaged when injured, the employer shall, within ten days after demand therefor by the department, pay into the accident fund, in addition to the same required by section 4 to be paid:

Responsibility
for safe-
guard.

(a) In case the consequent payment to the workman out of the accident fund be a lump sum, a sum equal to 50 per cent. of that amount.

(b) In case the consequent payment to the workman be payable in monthly payments, a sum equal to 50 per cent. of the lump value of such monthly payment, estimated in accordance with the rule stated in section 7.

The foregoing provisions of this act shall not apply to the employer if the absence of such guard or protection be due to the removal thereof by the injured workman

Not applied,
when.

himself or with his knowledge by any of his fellow workmen, unless such removal be by order or direction of the employer or superintendent or foreman of the employer, or any one placed by the employer in control or direction of such workman. If the removal of such guard or protection be by the workman himself or with his consent by any of his fellow workmen, unless done by order or direction of the employer or the superintendent or foreman of the employer, or any one placed by the employer in control, or direction of such workman, the schedule of compensation provided in section 5 shall be reduced 10 per cent. for the individual case of such workman.

SEC. 10. *Exemption of Awards.*

No money paid or payable under this act out of the accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be taken in execution or attached or garnished, nor shall the same pass to any other person by operation of law. Any such assignment or charge shall be void.

SEC. 11. *Non-Waiver of Act by Contract.*

No employer or workman shall exempt himself from the burden or waive the benefits of this act by any contract, agreement, rule or regulation, and any such contract, agreement, rule or regulation shall be *pro tanto* void.

SEC. 12. *Filing Claim for Compensation.*

(a) Where a workman is entitled to compensation under this act he shall file with the department, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

(b) Where death results from injury the parties entitled to compensation under this act, or some one in their behalf, shall make application for the same to the department, which application must be accompanied with proof

Cannot
contract
waiver.

File appli-
cation and
certificate.

Application
to depart-
ment.

of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such other proof as required by the rules of the department.

(c) If change of circumstance warrant an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto accrued. Must file within one year.

SEC. 13. *Medical Examination.*

Any workman entitled to receive compensation under this act is required, if requested by the department, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period. Medical examination.

SEC. 14. *Notice of Accident.*

Whenever any accident occurs to any workman it shall be the duty of the employer to at once report such accident and the injury resulting therefrom to the department, and also to any local representative of the department. Such report shall state: Report to department.

1. The time, cause and nature of the accident and injuries, and the probable duration of the injury resulting therefrom.

2. Whether the accident arose out of or in the course of the injured person's employment.

3. Any other matters the rules and regulations of the department may prescribe.

SEC. 15. *Inspection of Employer's Books.*

The books, records and pay rolls of the employer pertinent to the administration of this act shall always be

Inspection
of books.

open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the pay roll, the men employed, and such other information as may be necessary for the department and its management under this act. Refusal on the part of the employer to submit said books, records and pay rolls for such inspection to any member of the commission, or any assistant presenting written authority from the commission, shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the state and paid into the accident fund, and the individual who shall personally give such refusal shall be guilty of a misdemeanor.

SEC. 16. *Penalty for Misrepresentation as to Pay Roll.*

Misrepresenta-
tion—
penalty.

Any employer who shall misrepresent to the department the amount of pay roll upon which the premium under this act is based shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid. The liability to the state under this section shall be enforced in a civil action in the name of the state. All sums collected under this section shall be paid into the accident fund.

SEC. 17. *Public and Contract Work.*

Public and
contract
work.

Whenever the state, county or any municipal corporation shall engage in any extra hazardous work in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county or municipality. If said work is being done by contract, the pay roll of the contractor and the sub-contractor shall be the basis of computation, and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total pay roll. The contractor and any sub-contractor shall be subject to the provisions of the act, and the state for its general fund, the county or municipal corporation shall be entitled to collect from the contractor the full amount payable to the accident fund, and the con-

tractor, in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment. The provisions of this section shall apply to all extra hazardous work done by contract, except that in private work the contractor shall be responsible, primarily and directly, to the accident fund for the proper percentage of the total pay roll of the work and the owner of the property affected by the contract shall be surety for such payments. Whenever and so long as, by state law, city charter or municipal ordinance, provision is made for municipal employes injured in the course of employment, such employes shall not be entitled to the benefits of this act and shall not be included in the pay roll of the municipality under this act.

Surety for
payments.

SEC. 18. *Interstate Commerce.*

The provisions of this act shall apply to employers and workmen engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation has been or may be established by the Congress of the United States, only to the extent that their mutual connection with intrastate work may and shall be clearly separable and distinguishable from interstate or foreign commerce, except that any such employer and any of his workmen working only in this state may, with the approval of the department, and so far as not forbidden by any act of Congress, voluntarily accept the provisions of this act by filing written acceptances with the department. Such acceptances, when filed with and approved by the department, shall subject the acceptors irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms. Payment of premium shall be on the basis of the payroll of the workmen who accept as aforesaid.

Interstate
commerce.

SEC. 19. *Elective Adoption of Act.*

Any employer and his employes engaged in works not extra hazardous may, by their joint election, filed with the department, accept the provisions of this act, and such acceptances, when approved by the department, shall sub-

ject them irrevocably to the provisions of this act to all intents and purposes as if they had been originally included in its terms. Ninety per cent. of the minimum rate specified in section 4 shall be applicable to such case until otherwise provided by law.

Per cent.
applicable.

SEC. 20. *Court Review.*

Any employer, workman, beneficiary, or person feeling aggrieved at any decision of the department affecting his interests under this act may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county of his residence (except as otherwise provided in subdivision (1) of section numbered 5) in so far as such decision rests upon questions of fact, or of the proper application of the provisions of this act, it being the intent that matters resting in the discretion of the department shall not be subject to review. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served by mail or personally upon some member of the commission within twenty days following the rendition of the decision appealed from and communication thereof to the person affected thereby. No bond shall be required, except that on appeal by the employer from a decision of the department under section 9 shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court except that in cases arising under sections 9, 15 and 16 either party shall be entitled to a jury trial upon demand. It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and, if the decision of the department shall be reversed or modified, such fee and the fees of

Opportunity
for hearing.

Bond filed.

medical and other witnesses and the costs shall be payable out of the administration fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal adviser of the department and shall represent it in all proceedings, whenever so requested by any of the commissioners. In all court proceedings under or pursuant to this act the decision of the department shall be *prima facie* correct, and the burden of proof shall be upon the party attacking the same. Appeal.

SEC. 21. *Creation of Department.*

The administration of this act is imposed upon a department, to be known as the Industrial Insurance Department, to consist of three commissioners to be appointed by the governor. One of them shall hold office for the first two years, another for the first four years, and another for the first six years following the passage and approval of this act. Thereafter the term shall be six years. Each commissioner shall hold until his successor shall be appointed and shall have qualified. A decision of any question arising under this act concurred in by two of the commissioners shall be the decision of the department. The governor may at any time remove any commissioner from office in his discretion, but within ten days following any such removal the governor shall file in the office of the secretary of state a statement of his reasons therefor. The commission shall select one of their members as chairman. The main office of the commission shall be at the state capitol, but branch offices may be established at other places in the state. Each member of the commission shall have power to issue subpoenas requiring the attendance of witnesses and the production of books and documents. Creating department.

SEC. 22. *Salary of Commissioners.*

The salary of each of the commissioners shall be thirty-six hundred dollars per annum, and he shall be allowed his actual and necessary traveling and incidental expenses; Salary.

and any assistant to the commissioners shall be paid for each full days service rendered by him, his actual and necessary traveling expenses and such compensation as the commission may deem proper, not to exceed six dollars per day to an auditor, or five dollars per day to any other assistant.

SEC. 23. *Deputies and Assistants.*

Deputies.

The commissioners may appoint a sufficient number of auditors and assistants to aid them in the administration of this act, at an expense not to exceed \$5,000.00 per month. They may employ one or more physicians in each county for the purpose of official medical examinations, whose compensation shall be limited to five dollars for each examination and report therein. They may procure such record books as they may deem necessary for the record of the financial transactions and statistical data of the department, and the necessary documents, forms and blanks. They may establish and require all employers to install and maintain an uniform form of pay roll.

SEC. 24. *Conduct, Management and Supervision of Department.*

Management and supervision.

The commission shall, in accordance with the provisions of this act:

1. Establish and promulgate rules governing the administration of this act.
2. Ascertain and establish the amounts to be paid into and out of the accident fund.
3. Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency.
4. Supervise the medical, surgical and hospital treatment to the intent that same may be in all cases suitable and wholesome.
5. Issue proper receipts for moneys received, and certificates for benefits accrued and accruing.
6. Investigate the cause of all serious injuries and report to the governor from time to time any violations or

laxity in performance of protective statutes or regulations coming under the observation of the department.

7. Compile and preserve statistics showing the number of accidents occurring in the establishment or works of each employer, the liabilities and expenditures of the accident fund on account of, and the premium collected from the same, and hospital charges and expenses.

8. Make annual reports to the governor (one of them not more than sixty nor less than thirty days prior to each regular session of the legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund, and the statistics aforesaid.

SEC. 25. *Medical Witnesses.*

Upon the appeal of any workman from any decision of the department affecting the extent of his injuries or the progress of the same, the court may appoint not to exceed three physicians to examine the physical condition of the appellant, who shall make to the court their report thereon, and they may be interrogated before the court by or on behalf of the appellant in relation to the same. The fee of each shall be fixed by the court, but shall not exceed ten dollars per day each.

Appoint
physicians.

SEC. 26. *Disbursement of Funds.*

Disbursement out of the funds shall be made only upon warrants drawn by the state auditor upon vouchers therefor transmitted to him by the department and audited by him. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant shall have been drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable, and if the amount of the credit shall exceed the amount of the contribution, he

Employer
may pay,
when.

shall have a warrant upon the same fund for the excess, and if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund. The state treasurer shall to such extent as shall appear to him to be advisable keep the moneys of the unsegregated portion of the accident fund invested at interest in the class of securities provided by law for the investment of the permanent school fund. The state treasurer shall be liable on his official bond for the safe custody of the moneys and securities of the accident fund, but all the provisions of an act approved February 21, 1907, entitled "An act to provide for state depositories and to regulate the deposits of state moneys therein," shall be applied to said moneys and the handling thereof by the state treasurer.

Keep fund
invested.

SEC. 27. *Test of Invalidity of Act.*

If any employer shall be adjudicated to be outside the lawful scope of this act, the act shall not apply to him or his workman, or if any workman shall be adjudicated to be outside the lawful scope of this act because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions of section 4 of this act for the creation of the accident fund, or the provisions of this act making the compensation to the workman provided in it exclusive of any other remedy on the part of the workman shall be held invalid the entire act shall be thereby invalidated except the provisions of section 31, and an accounting according to the justice of the case shall be had of moneys received. In other respects an adjudication of invalidity of any part of this act shall not affect the validity of the act as a whole or any other part thereof.

Shall not
impair act.

SEC. 28. *Statute of Limitations Saved.*

If the provisions of this act relative to compensation for injuries to or death of workmen become invalid because of any adjudication, or be repealed, the period intervening

between the occurrence of an injury or death, not previously compensated for under this act by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided*, That such action be commenced within one year after such repeal or adjudication; but in any such action any sum paid out of the accident fund to the workman on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have paid without delinquency into the accident fund the payment provided by section 4, such sums shall be credited upon the recovery as payment thereon, otherwise the sum shall not be so credited but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Action with-
in one year.

SEC. 29. *Appropriations.*

There is hereby appropriated out of the state treasury the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, to be known as the administration fund, out of which the salaries, traveling and office expenses of the department shall be paid, and also all other expenses of the administration of the accident fund; and there is hereby appropriated out of the accident fund for the purpose to which said fund is applicable the sum of \$1,500,000.00, or so much thereof as shall be necessary for the purposes of this act.

Appropriations.

SEC. 30. *Safeguard Regulations Preserved.*

Nothing in this act contained shall repeal any existing law providing for the installation or maintenance of any device, means or method for the prevention of accidents in extra hazardous work or for a penalty or punishment for failure to install or maintain any such protective device, means or method, but sections 8, 9, and 10 of the act approved March 6, 1905, entitled: "An act providing for the protection and health of employes in factories, mills or

No previous
acts repealed.

workshops, where machinery is used, and providing for suits to recover damages sustained by the violation thereof, and prescribing a punishment for the violation thereof and repealing an act entitled, 'An act providing for the protection of employes in factories, mills, or workshops where machinery is used, and providing for the punishment of the violation thereof, approved March 6, 1903,' and repealing all other acts or parts of acts in conflict herewith," are hereby repealed, except as to any cause of action which shall have accrued thereunder prior to October, 1, 1911.

SEC. 31. *Distribution of Funds in Case of Repeal.*

Distribution. If this act shall be hereafter repealed, all moneys which are in the accident fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing.

SEC. 32. *Saving Clause.*

Saving clause.

This act shall not affect any action pending or cause of action existing on the 30th day of September, 1911.

Passed by the House February 23, 1911.

Passed by the Senate March 7, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 75.

[H. B. 161.]

RELATING TO POWERS AND DUTIES OF PROSECUTING ATTORNEYS.

AN ACT relating to the powers and duties of prosecuting attorneys and amending section 116 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 116 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 116. The prosecuting attorney of each county shall have authority and it shall be his duty, subject to the supervisory control and direction of the attorney general, to appear for and represent the state and the county and all school districts in the county in which he is a prosecuting attorney, in all criminal and civil actions and proceedings in such county in which the state or such county or such school district is a party.

[Amending
§ 116,
Rem.-Bal.]

Passed by the House February 15, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 11, 1911.

CHAPTER 76.

[H. B. 76.]

PROVIDING FOR NINE SUPERIOR JUDGES IN KING COUNTY

AN ACT relating to the superior court of the county of King; the election and appointment of judges therein, and declaring an emergency.

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

SECTION 1. That hereafter there shall be nine judges of the superior court of the State of Washington in and for King county.

[See §9050,
Rem.-Bal.]

SEC. 2. That the governor shall, upon the taking effect of this act, appoint two additional judges for the said

Governor
appoint two.

superior court, who shall hold their office from the time of their appointment until their successors are elected and qualified, which said successors shall be elected at the general election in November, 1912.

Nine elected hereafter.

SEC. 3. That at the general election in November, 1912, there shall be elected nine judges of said superior court, whose terms of office shall be four years from and after the second Monday in January, 1913; and every four years thereafter there shall be elected at the succeeding general elections nine judges of said superior court.

Emergency.

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

Passed by the House February 16, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 77.

[H. B. 63.]

RELATING TO MATERIALMEN'S LIENS.

AN ACT relating to materialmen's liens and the enforcement thereof, and amending section 1133 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

[Amending § 1133, Rem.-Bal.]

SECTION 1. That section 1133 of Remington and Ballinger's Annotated Codes and Statutes of Washington be, and the same is hereby amended to read as follows: Section 1133. Every person, firm or corporation furnishing materials or supplies to be used in the construction, alteration or repair of any mining claim, building, wharf, bridge, ditch, dyke, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power, or any other building, or any other structure, or mining claim or stone quarry, shall, not later than five (5) days after the date of the first delivery of such materials or supplies to any contractor or agent, deliver or mail to the owner or the reputed owner of the property

Notice in writing.

on, upon or about which such materials or supplies are to be used, a notice in writing, stating in substance and effect that such person, firm or corporation has commenced to deliver materials and supplies for use thereon, with the name of the contractor or agent ordering the same, and that a lien may be claimed for all materials and supplies furnished by such person, firm or corporation for use thereon; and no further notice to the owner shall be necessary. No materialmen's lien shall be enforced unless the provisions of this act have been complied with.

Give name
of party
ordering.

Passed by the House March 2, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 78.

[S. B. 132.]

RELATING TO DUTIES OF COUNTY AUDITORS.

AN ACT relating to the duties of county auditors and amending title 3, chapter 4, article 8 of chapter 97 of the Session Laws of 1909, by adding certain sections thereto.

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

SECTION 1. There shall be and is hereby added to article 8, chapter 4, title 3, chapter 97, Session Laws 1909, the following new and additional sections to be known as sections 7, 8, 9 and 10, relating to the duties of county auditors with reference to their work in connection with school districts: Section 7. He shall cause all school warrants of the districts issued by him to be registered in the treasurer's office and retain the vouchers on file in his office. Section 8. He shall register in his own office, and present to the treasurer for registration in the office of the county treasurer, all warrants of the first and second class districts received from secretaries or clerks thereof before delivery of the same to claimants. Section 9. He shall check the redeemed warrants of each school district after each monthly settlement with the treasurer, enter the

[These sections would follow §4557, Rem.-Bal. They should be designated §§4557a, 4557b, 4557c and 4557d, Rem.-Bal.]

Register warrants.

Certify
treasurer's
reports.

date redeemed in his school warrant register, and certify as to the correctness of the treasurer's reports to such school districts. Section 10. He shall make an annual report to the county superintendent of schools on or before the fifteenth day of July in such form as may be prescribed by the superintendent of public instruction.

Passed by the Senate February 8, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 79.

[S. B. 90.]

RELATING TO SCHOOL DISTRICTS OF FIRST CLASS, MAINTAINING INSURANCE FUND.

[First-class districts defined—see § 4416, Rem.-Bal.]

AN ACT authorizing school districts of the first class to create and maintain a permanent insurance fund, to be used to meet losses by fire, if any, to the school property of the district, and providing for the investment of said fund.

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

Power to
create.

SECTION 1. That school districts of the first class shall, when in the judgment of the board of directors it be deemed expedient, have power to create and maintain a permanent insurance fund for said districts, to be used to meet losses by fire, if any, of said school districts.

[Powers of directors in districts of first class—see § 4509, Rem.-Bal. See generally §§ 4494-4513; for estimate of tax levy see § 4512.]

SEC. 2. The board of directors shall annually, at the same time and in the same manner as provided for reporting to the board of county commissioners an estimate of the amount of funds required for the support of the schools, report the additional amount of funds determined upon for creating or adding to the permanent insurance fund of the district, and the board of county commissioners are hereby authorized and required to levy and collect such additional amount of funds, the same as other school taxes.

Treasurer
may invest
funds.

SEC. 3. The county treasurer, when authorized to do so by the board of directors of any school district, may invest any accumulated permanent insurance fund of said

[See § 4558, Rem.-Bal.]

district in school, county, or state warrants of the State of Washington, and all profits accruing from such investment, and the funds so invested, shall revert to the permanent insurance fund of said district, and the county treasurer shall be the custodian of all warrants purchased by and with said permanent insurance fund until the same are redeemed, and the county treasurer shall submit a statement of such fund and warrants as a part of his monthly report to each district.

Custodian
of warrants.

Passed by the Senate February 15, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 80.

[S. B. 143.]

RELATING TO ISSUANCE OF BONDS AND NOTES BY CORPORATIONS.

AN ACT to amend section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington, relating to the issuance of bonds and notes by corporations.

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

SECTION 1. That section 4266 of Ballinger's Annotated Codes and Statutes of the State of Washington be amended to read as follows: Section 4266. No corporation organized under this chapter shall, by any implication or construction, be deemed to possess the power of issuing bills, notes or other evidence of debt for circulation as money. Each and every stockholder shall be personally liable to the creditors of the company, to the amount of what remains unpaid upon his subscription to the capital stock, and not otherwise: *Provided*, That the stockholders of every bank incorporated under this act or the Territory of Washington shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such association accruing while they remain such stockholders, to the extent

[Amending
§ 4266,
Rem.-Bal.]

Stockholders'
liability.

Report filed.

of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares; and all such banking corporations shall file, on the first Monday in June, each year, with the state auditor, a report sworn to by its president, vice president, or cashier, of the resources and liabilities, stating the amount of deposits, the aggregate of loans, and the amount upon each class of securities, the names and residence of the shareholders and number of their shares, the directors or officers for the time being, and any other matters affecting the safety of their deposits or the interest of their creditors; and such banking corporations shall have power to exercise, by its board of trustees, or duly authorized officers or agents, all such incidental powers as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits, buying and selling, exchange, coin and bullion, by loaning money on real estate or personal security; to accept and execute all trusts, fiduciary or otherwise, as may be committed to such bank or corporation, by any person, persons, or corporation, or by the order or direction of any court; and may do any other business pertaining to banking.

Passed by the Senate March 2, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 81.

[S. S. B. 207.]

PROVIDING WAGON BRIDGE ACROSS NORTH FORK OF LEWIS RIVER.

AN ACT to provide for the construction and maintenance of a wagon bridge across the north fork of the Lewis river and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated from the state highway fund the sum of sixty thousand dollars

(\$60,000.00), or so much thereof as may be necessary, for the construction of a wagon bridge spanning the north fork of Lewis river, at or near Woodland, at a point to be designated by the highway commissioner: *Provided, however,* That said sum shall not become available until the county of Clarke and the county of Cowlitz shall each have appropriated and paid into the state treasury to the credit of the state highway fund the sum of fifteen thousand dollars (\$15,000) for the purpose aforesaid.

Appropriating \$60,000.

Clarke and Cowlitz must appropriate.

SEC. 2. Said bridge shall be constructed under the supervision of the state highway commissioner, in the same manner as is provided for the construction of bridges upon state roads, and the cost thereof shall be paid by the state treasurer upon warrants drawn by the state auditor in the manner provided by law, in no event to exceed the sum of sixty thousand dollars (\$60,000) hereby appropriated. Said bridge, when completed, shall be maintained by the county of Clarke and the county of Cowlitz, each of said counties paying one-half of said maintenance cost: *Provided, however,* That the said bridge shall at all times be the absolute property of the State of Washington and be under the control of the board of highway commissioners: *Provided further,* That before this appropriation shall become available an agreement to so maintain said bridge shall be filed in the office of the state auditor binding each of said counties.

Highway commissioner supervise.

Agreement must be filed.

Passed by the Senate March 6, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 82.

[S. B. 111.]

RELATING TO ESTABLISHMENT OF FREE KINDERGARTENS.

AN ACT relating to the establishment of free kindergartens and amending sections 1 and 3 of chapter 19 of title 3 of the Code of Public Instruction, being chapter 97 of the Session Laws of 1909.

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

SECTION 1. That sections 1 and 3 of chapter 19, title 3, Code of Public Instruction, be amended to read as follows: Section 1. The board of directors of any school district of the first and second classes shall have power to establish and maintain free kindergartens in connection with the common schools of said district for the instruction of children between the ages of four and six years, residing in said district, and shall establish such courses of training, study and discipline and such rules and regulations governing such kindergartens as said board may deem best. Section 3. The cost of establishing and maintaining such kindergartens shall be paid from the general fund of the district.

[Amending
§ 4738,
Rem.-Bal.]

Directors
have power.

[Amending
§ 4740,
Rem.-Bal.]

Maintained
from gen-
eral fund.

Passed by the Senate January 31, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 83.

[S. B. 103.]

RELATING TO ACTIONS FOR QUIETING TITLE TO REAL PROPERTY.

AN ACT relating to actions for the possession of and quieting title to real property, and amending section 785 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 785 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 785. Any person having a valid subsisting interest in real property, and a right to the possession thereof, may recover the same by action in the superior court of the proper county, to be brought against the tenant in possession; if there is no such tenant, then against the person claiming the title or some interest therein, and may have judgment in such action quieting or removing a cloud from plaintiff's title; an action to quiet title may be brought by the known heirs of any deceased person, or of any person presumed in law to be deceased, or by the successors in interest of such known heirs against the unknown heirs of such deceased person or against such person presumed to be deceased and his unknown heirs, and if it shall be made to appear in such action that the plaintiffs are heirs of the deceased person, or the person presumed in law to be deceased, or the successors in interest of such heirs, and have been in possession of the real property involved in such action for ten years preceding the time of the commencement of such action, and that during said time no person other than the plaintiff in the action or his grantors has claimed or asserted any right or title or interest in said property, the court may adjudge and decree the plaintiff or plaintiffs in such action to be the owners of such real property, free from all claims of any unknown heirs of such deceased person, or person presumed in law to be deceased; and an action to quiet title

[Amending
§ 785,
Rem.-Bal.]

Proceed
against
whom.

Court may
adjudge.

may be maintained by any person in the actual possession of real property against the unknown heirs of a person known to be dead; or against any person where it is not known whether such person is dead or not, and against the unknown heirs of such person, and if it shall thereafter transpire that such person was at the time of commencing such action dead the judgment or decree in such action shall be as binding and conclusive on the heirs of such person as though they had been known and named; and in all actions, under this section, to quiet or remove a cloud from the title to real property, if the defendant be absent or a nonresident of this state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the service of summons, service may be made upon such defendant by publication of summons as provided by law; and the court may appoint a trustee for such absent or nonresident defendant, to make or cancel any deed or conveyance of whatsoever nature, or do any other act to carry into effect the judgment or the decree of the court.

Service by
publication.

Passed by the Senate February 25, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 84.

[S. B. 20.]

CREATING CERTAIN GAME PRESERVES IN PIERCE COUNTY.

AN ACT for the protection of game birds, deer, and gray squirrels in certain designated territory in the State of Washington, to prevent firing of rifles in said territory, and providing a punishment for the violation thereof.

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

SECTION 1. Any person who shall hunt, take, kill, trap, snare, maim, destroy or molest any game bird, deer or gray squirrel at any season of the year in that part of Pierce county, Washington, bounded by the waters of Puget Sound

and Commencement bay, and a line where the line between townships 19 and 20, north, intersects the easterly shore of Puget Sound, thence running east to the corner common to sections 3 and 4, township 19, north, range 3 east, and sections 33 and 34, township 20, north, range 3 east, thence due north to the shore of Commencement bay, or upon the waters of Steilacoom lake, Gravelly lake, American lake, or the islands therein, or within one mile of the shores of any of said lakes, or upon any part of sections 1, 2, 11 or 12, and the north half of sections 13 and 14, township 19, north of range 2 east, not included in the above description, shall be guilty of a misdemeanor: *Provided*, That this act shall not apply to persons holding certificates giving the right to take birds, their nests or eggs, for scientific purposes, as now provided by law.

Describing
territory.

SEC. 2. Any person who shall discharge any rifle within the above described territory shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to peace officers, officers or enlisted men in the United States army, and the officers and enlisted men in the National Guard of Washington, or any other state, while engaged in the performance of their respective duties as such officers or enlisted men: *And provided, further*, That this section shall not apply to public or private shooting galleries or rifle ranges.

Exemptions.

Passed by the Senate February 2, 1911.

Passed by the House February 28, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 85.

[S. B. 131.]

RELATING TO DUTIES OF COUNTY TREASURERS, AS
TREASURERS OF SCHOOL DISTRICTS.

AN ACT relating to the duties of county treasurers as treasurers of school districts and amending section 4558, Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Section 4558, Remington and Ballinger's Annotated Codes and Statutes, is hereby amended to read as follows: Section 4558. The county treasurer of each county of this state shall be *ex-officio* treasurer of the several school districts of their respective counties, and it shall be the duty of each county treasurer:

[Amending
§ 4558,
Rem.-Bal.]

First. To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

Certify
quarterly.

Second. To certify to the county superintendent of common schools and the auditor of his county, quarterly of each year at the time of the state apportionment, the amount of all school funds in his possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

Annual
report.

Third. To make annually, on or before the fifteenth day of July, a report to the county superintendent and auditor of his county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending June 30th, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in his possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of

Amounts
remaining.

all unpaid warrants or bonds appearing upon his register at the close of the school year.

Fourth. He shall register all school warrants presented to him by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the warrant is necessary, but if there be no money to the credit of the fund on which the warrant is registered he shall endorse on said warrant the following: "This warrant bears interest at per cent. per annum from until called for payment. County Treasurer, By Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly, all warrants which he is prepared to pay, in the same manner in which he is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

Register warrants.

Advertise payment.

Fifth. He shall prepare and submit to the secretary of each district of the first class, and to the clerk of each district of the second and third class in his county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

Submit written report.

Sixth. After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all cancelled warrants of districts of the first or second class to the secretary or clerk of such district, which statement shall be verified to the county auditor.

Statement of cancelled warrants.

The cancelled warrants of each district shall be preserved separately and shall at all times be open to inspection by the secretary or clerk or by any authorized accountant of such district.

Remit
moneys.

Seventh. He shall remit all moneys derived from the sale of school registers, and school clerks' record books to the state treasurer, as other moneys are required to be remitted, and the state treasurer shall place such moneys to the credit of the general fund of the state.

Passed by the Senate February 8, 1911.

Passed by the House March 3, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 86.

[S. S. B. 97.]

RELATING TO THE LEASING OF HARBOR AREAS, ETC., FOR BOOMING PURPOSES.

AN ACT relating to the leasing of harbor areas, tide lands and lands of the State of Washington for booming purposes, and amending section 1, chapter 233 of the Session Laws of 1907.

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

[Amending
§ 6776,
Rem.-Bal.]

SECTION 1. That section 1 of chapter 233 of the Session Laws of 1907 be amended to read as follows: Section 1. That the board of state land commissioners be and hereby is authorized to lease any harbor area, tide lands or other lands of the State of Washington, whether the same be now reserved from lease or sale by any existing act or not, except tide lands or harbor area in front of any incorporated city or town or within two miles thereof on either side, and excepting any oyster reserve containing oysters in merchantable quantities, to any person, firm or corporation, for booming purposes. Such leases shall not be granted for a longer term than ten years from the date thereof; and the board of state land commissioners shall prior to the issuance of any such lease fix an annual rental for the lands leased, and prescribe the terms and conditions of the lease. The board may declare a forfeiture of any

Ten-year
limit.

lease for a violation of any of the terms or conditions thereof. Any person, firm or corporation leasing any lands under the provisions of this act shall receive, hold and assort the logs and other timber products of all persons requesting such service, and upon the same terms and without discrimination, and may charge and collect tolls on all logs or other timber products so handled, said tolls not to exceed seventy-five cents per thousand on all logs, spars or other large timber, and reasonable rates on all other timber products, and shall be subject to the same duties and liabilities, so far as the same are applicable, as are imposed upon boom companies organized under the laws of this state. Failure to use any lands leased under the provisions of this act for boom purposes for a period of more than one year shall work a forfeiture of the lease, and such lands shall revert to the state without any notice or declaration of forfeiture. At the expiration of any lease issued under the provisions of this act, the original lessee shall have the preference right to release the lands covered by his original lease for a further term, not to exceed ten years, at such rental and upon such terms and conditions as may be prescribed by the board of state land commissioners.

Legal toll.

Forfeiture
of lease.

Passed by the Senate February 17, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 87.

[S. B. 147.]

RELATING TO LEGAL HOLIDAYS—COLUMBUS DAY.

[For other holidays, see §§ 61-63, Rem.-Bal.]

AN ACT relative to legal holidays and declaring the 12th day of October of each year to be a legal holiday to be known as "Columbus Day."

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

October 12, "Columbus Day."

SECTION 1. The 12th day of October of each year is hereby declared to be a legal holiday to be known as "Columbus Day."

Passed by the Senate February 27, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 88.

[S. B. 134.]

RELATING TO BONDS OF SCHOOL DISTRICTS.

AN ACT amending sections 4610, 4613, 4615 and 4621, Remington and Ballinger's Annotated Codes and Statutes, relating to the bonds of school districts.

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

[Amending § 4610, Rem.-Bal.]

SECTION 1. Section 4610, Remington and Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Section 4610. At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: *Provided*, The bonds shall never be sold below par, and the board of directors may reject any and all bids, and at any time within two years of the election at which authority was granted to issue and sell said bonds, the board of directors may proceed to re-advertise the sale of such bonds or any portion thereof as often as may

Par value required.

be necessary, until the whole thereof shall be sold; and such board may also require all persons bidding for such bonds, except the State of Washington, to deposit one per centum of the par value of the bonds bid for on depositing with the treasurer their bids, and if the bidder fails to take and pay for the bonds for which he bid in case of their sale to him, the amount so deposited shall be forfeited to the school district; otherwise to be returned to such bidder, and a resale of such bonds so refused to be taken may be made as if the bid for the same had been rejected. Upon the sale of the bonds, the board of directors shall, within ten days, or as soon thereafter as practicable, deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer shall, upon payment of the price agreed upon, deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the general school fund of the district: *Provided*, That where the bonds have been sold for the purchase of school house site or sites, building one or more school houses and providing same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he shall place the money derived from such sale to the credit of the building fund of the district, and such fund is hereby created. Fees for advertising shall be deducted from the proceeds: *Provided*, That if the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified time the bonds designated by number and series.

Deposit
1 per cent.

Credit
general
school fund.

Deliver
on order.

SEC. 2. Section 4613 of Remington and Ballinger's Annotated Codes and Statutes of Washington, is hereby amended to read as follows: Section 4613. The county commissioners must ascertain and levy annually, in addition to the school district tax, the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are

[Amending
§ 4613.
Rem.-Bal.]

Redemption
fund.

Treasurer
may invest.

to run, and annually thereafter, until full payment of said bonds is made, they shall levy, in addition to the tax required to pay the interest, such amount for sinking fund to meet the payments of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property of said district, and must be collected in the same manner as the taxes for other school purposes: *Provided*, That the county treasurer, when authorized to do so by the board of directors of any school district may invest any accumulated or other sinking fund of said district in school, county or state warrants of the State of Washington, and all profits accruing from such investment, and the funds so invested, shall revert to the sinking or other fund of said district, and the county treasurer shall be custodian of all warrants purchased by and with the said sinking fund, until the same are redeemed: *And provided further*, That the county treasurer, when authorized to do so by the board of directors of any school district, may purchase and redeem any of the outstanding bonds of said district, paying for said bonds out of the accumulated sinking fund of the district; all revenues provided for in this section shall constitute a separate fund, to be known as the bond redemption fund.

[Amending
§ 4615.
Rem.-Bal.]

SEC. 3. Section 4615, Remington and Ballinger's Annotated Codes and Statutes of Washington, is hereby amended to read as follows: Section 4615. The county treasurer must pay out of moneys belonging to the credit of the fund of the school district created by section 4613, the interest upon any bonds issued under this chapter by such school district when the same becomes due, at such place as may be designated in the coupons attached to said bonds, or upon the presentation at his office of said coupons, which must show the amount due and the number and series of the bond to which it belongs, and all coupons so paid must be immediately reported to the school directors.

SEC. 4. Section 4621, Remington and Ballinger's Annotated Codes and Statutes of Washington, is hereby amended to read as follows: Section 4621. Whenever the amount of any sinking fund created under the provisions of this act shall equal the amount, principal and interest of any bond then due, or subject under the pleasure or option of said school district to be paid or redeemed, it shall be the duty of the county treasurer of the county in which the school district issuing such bonds is located, to publish a notice in the official newspaper of the county, if such a one there be, and if not, then in a newspaper of general circulation, that the said county treasurer will within thirty (30) days from the date of such notice, redeem and pay any such bond then redeemable or payable, giving priority according to the date of issue numerically, and upon the presentation of any such bond or bonds the said treasurer shall pay the same; and in case that any holder of such bond or bonds shall fail or neglect to present the same at the time mentioned in said notice, or in the notice hereinbefore provided for, then the interest upon such bond or bonds shall cease and determine, and the treasurer of such county shall thereafter pay only the amount of such bond and the interest accrued thereon up to the day mentioned in said notice. When any bonds are so redeemed or paid, the county treasurer shall cause the same to be fully cancelled, and write across the face of such bonds the words "redeemed," with the date of redemption, and shall file the same with the county auditor as vouchers for the sum so paid. When bonds are held by the State of Washington advertising as contemplated and prescribed in this section shall be deemed unnecessary.

[Amending
§ 4621,
Rem.-Bal.]

Publish
notice.

Redeemed
bonds as
vouchers.

Passed by the Senate February 16, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 89.

[S. B. 150.]

RELATING TO OFFENSES AGAINST SUFFRAGE.

AN ACT relating to offenses against suffrage, fixing punishments and penalties therefor, and amending sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That sections 4958, 4959, 4960, 4961, 4962, 4963 and 4967 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4958. If any person shall vote, or attempt to vote more than once at any election, or shall knowingly hand in two or more tickets together, or, having voted in one township, precinct, ward, or county, shall afterward, on the same day, vote, or attempt to vote, in another township, precinct, ward, or county, such person shall be guilty of a gross misdemeanor and shall be incapable of voting at any election or holding any office for two years thereafter.

[Amending
§ 4958,
Rem.-Bal.]

Repeaters.

Section 4959. If any person, knowing that he does not possess the legal qualifications of a voter, at any election authorized by law to be held in this state for any office whatever, shall vote at such election, such person shall be guilty of a felony.

[Amending
§ 4959,
Rem.-Bal.]
Unqualified
voter.

Section 4960. If any inspector or judge of any such election shall knowingly permit any elector to cast a second vote at any such election, or shall knowingly permit any person not a qualified elector to vote at any such election, such inspector or judge of election shall be guilty of a felony and be incapable of holding any office in this state for five years thereafter.

[Amending
§ 4960,
Rem.-Bal.]

Fraud of
election
officer.

Section 4961. If any inspector, judge, or clerk of an election shall attempt to induce, by persuasion, menace, or reward, or promise thereof, any elector to vote for any person, such inspector, judge, or clerk shall be guilty of a gross misdemeanor.

[Amending
§ 4961,
Rem.-Bal.]

Officer
election-
eering.

Section 4962. If any judge, inspector, clerk, or any other officer of an election shall open or mark, by folding or

otherwise, any ticket presented by such elector at such election, or attempt to find out the names thereon, or suffer the same to be done by any other person, before such ticket is deposited in the ballot box, such judge, inspector, or clerk shall be guilty of a gross misdemeanor.

[Amending
§ 4962.
Rem.-Bal.]

Marking
tickets.

Section 4963. If any person shall use menace, force, threat or corrupt means at or previous to any election held pursuant to the laws of the state towards any elector to hinder or deter such elector from voting at said election, or shall directly or indirectly offer any bribe or reward of any kind to induce any elector to vote for or against any person, or proposition, or shall authorize any person so to do, such person shall be guilty of a felony.

[Amending
§ 4963.
Rem.-Bal.]

Threatening
or bribing
elector.

Section 4967. Every person charged with the performance of any duty under the provisions of any law of this state relating to elections, or to any September primary or any other primary election held pursuant to law or the provisions of any charter or ordinance of any town or city of this state, who wilfully neglects or refuses to perform such duty, or who, in the performance of such duty, or in his official capacity, knowingly or fraudulently violates any of the provisions of law relating to such duty, shall be guilty of a felony.

[Amending
§ 4967.
Rem.-Bal.]

Misfeasance
or mal-
feasance of
officer.

Passed by the Senate February 10, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 90.

[S. S. B. 94.]

RELATING TO PROTECTION AND SALE OF BIRDS AND FISHES.

AN ACT relating to the protection, propagation and sale of certain animals, birds and fishes, providing for searches therefor, fixing penalties for the violation thereof and amending section 1 of chapter 12 of the Laws of the Extraordinary Session of 1909.

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

SECTION 1. That section 1, chapter 12, of the Laws of the Extraordinary Session 1909, be amended to read as

[Amending
§ 5360.
Rem.-Bal.
See, also,
§§5334-5335.]

When
permitted.

follows: Section 1. Every person who shall, within the State of Washington at any time between the first day of November and the first day of September of the following year, hunt, pursue, take, kill, injure, destroy or possess any deer, mountain goat, mountain sheep or caribou, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. Every person who shall, within the State of Washington, during the season when it is lawful to kill same, take or kill more than two deer, or shall kill any female deer or spotted fawn, shall be guilty of a gross misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. Every person who shall at any time shoot or kill in any manner a deer when such deer is in any river or lake, or body of salt water, or shall hunt or chase deer with dogs, shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

[Amending
§ 5354.
Rem.-Bal.
See, also,
§ 5360.
Rem.-Bal.—
killing deer
in water.]

Misdemeanor.

[See §5326,
Rem.-Bal.]

Official
power.

SEC. 2. Any game wardens, any sheriff, deputy sheriff, constable or police officer, shall have power to search without warrant any person and examine any conveyance, vehicle, game bag, game basket, game coat or other receptacle for game or game fish, and all cold storage rooms, warehouses, markets, taverns, boarding houses, restaurants, clubs, eating houses, saloons and other places where game or game fish may be kept or sold, and to search and examine all packages or boxes, which he has reason to believe contain evidence of the infraction of the laws of this state, for the protection of wild fowl, trout or other game fish, game, game birds and song birds, and if upon diligent inquiry he can discover evidence sufficient in his judgment to secure the conviction of the alleged offenders or shall have cause to believe that sufficient evidence exists to justify the same he shall at once institute proceedings to punish the alleged offenders, and hindrance or interference with such search and examination shall be *prima facie* evidence of the violation of the laws by the party or parties who hinder or interfere with such search or examination. Any of the persons above mentioned may at any time seize and take

Prima facie
evidence.

possession of any and all game, wild fowl, game fish, game birds, song birds, or trout which has been caught, taken or killed at any time, in any manner, or for any purpose, or had in possession or under control or which have been shipped, contrary to the laws of this state. The search and seizure provided for in this act may be made without warrants.

Search
without
warrants.

SEC. 3. It shall be unlawful for any person at any time to sell or offer for sale any of the song birds, game birds or game animals protected by the laws of the State of Washington.

[See §5345
and §5365,
Rem.-Bal.]

SEC. 4. Whenever any lake or stream shall have been stocked or planted with game fish under the laws of the State of Washington the county commissioners shall give notice thereof by publication for three successive weeks in a newspaper published at the county seat of the county in which such lake or stream is situated, it shall be unlawful for any person to take or fish for, or take fish of any species whatever, in the waters of the lake or stream so stocked or planted, for two years after the first publication of such notice.

Notice of
stocked
streams
or lakes.

SEC. 5. Whenever any imported species of game birds shall have been liberated in any county of this state by the county commissioners, such commissioners shall give notice thereof by publication for three successive weeks in a newspaper published at the county seat of such county, and thereafter it shall be unlawful to hunt, take, kill, or molest any such imported birds within such county for three years after the date of the first publication of such notice.

Three weeks
publication.

SEC. 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor.
[For penalty,
see §2253,
Rem.-Bal.]

SEC. 7. All laws and parts of laws in conflict with this act are hereby repealed.

Repeal.

Passed by the Senate February 23, 1911.

Passed by the House March 6, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 91.

[H. B. 228.]

FOR PREVENTION OF FRAUD IN GRAIN AND HAY TRADE.

[This act
repeals
§§5980 to
6010, inc.,
Rem.-Bal.]

AN ACT for the prevention of fraud in the grain and hay trade, for the establishment and preservation of standards for grain and hay regulating warehousemen, millers, shippers and buyers of hay and grain, defining the duty of railroads, making an appropriation, providing penalties for the violation thereof and repealing chapter 137 of the Session Laws of 1909.

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

Defining
terms.

SECTION 1. *Definition.* The term public warehouse when used in this act, includes any elevator, mill, warehouse or structure in which grain or hay is received from the public for storage, shipment or handling, whenever such grain or hay is carried or intended to be carried to or from such warehouse, elevator, mill or structure by a common carrier.

The term terminal warehouse, when used in this act includes any public warehouse situate in Seattle, Tacoma, Spokane or other cities in the state which may be hereafter designated as inspection points.

The term warehouseman when used in this act includes any firm, person, company, corporation or association of persons owning, operating or controlling any public warehouse.

The term "Commission" when used in this act means the railroad commission of Washington.

Investigate
complaints.

SEC. 2. The commission shall exercise general supervision over the handling, weighing, inspecting and storage of grain and hay, and the management of public and terminal warehouses. Such commission shall investigate all complaints of fraud or injustice in the grain and hay trade, fix the charges of public and terminal warehouses, and make all necessary rules and regulations for carrying out and enforcing the provisions of this act, and of all laws of the state relating to this subject.

SEC. 3. The commission, with the approval of the governor, shall appoint a chief inspector, who shall be thoroughly familiar with the grains of Washington, and shall have had at least five years experience in handling said grains and hay. He shall, before entering upon the duties of his office, give a surety bond (the cost of said bond to be paid by the state) to the State of Washington in the sum of ten thousand dollars, to be approved by the commission and the attorney general, and conditioned upon the faithful discharge of his duties, and take the usual oath required of state officers. He shall receive a salary of two thousand dollars per annum, and necessary traveling expenses, and shall reside at Tacoma.

Chief
inspector.

SEC. 4. The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers as may be necessary to properly and thoroughly inspect and weigh grain and hay received and exported and to carry out the provisions of this act. One of such inspectors in each of the cities of Seattle, Tacoma, Spokane and such other cities as may be designated by the commission, shall be styled chief deputy inspector. Such chief deputy inspectors shall be expert grain and hay men with at least three years' experience in handling grain and hay in Washington. The chief deputy inspectors shall each give a surety bond (the cost of said bonds to be paid by the state) to the State of Washington in the sum of five thousand dollars, to be approved by the commission and the attorney general, conditioned upon the faithful discharge of their duties. Such chief deputies shall receive a salary of fifteen hundred dollars per annum, and necessary traveling expenses. All other inspectors, samplers and weighers shall give bond (the cost of said bonds to be paid by the state) to the State of Washington in the sum of three thousand dollars, to be approved by the commission and the attorney general, conditioned upon the faithful discharge of his duties; the salaries of such inspectors, samplers and weighers shall not exceed one hundred dollars per month. The chief deputy inspector, in-

Deputies
appointed.

Bonds given.

spectors, samplers and weighers shall be required to take an oath to faithfully perform their duties; the duties of inspectors, samplers and weighers may be interchangeable.

Bonds filed,
where.

SEC. 5. The bonds of the chief inspector, his deputies, samplers and weighers, and all warehousemen, shall be filed in the office of the secretary of state of Washington, and any person injured by any official act or the neglect of duty of any such inspector, sampler or weigher, or by reason of neglect or failure of such inspector, sampler, weigher or warehousemen to comply with the provisions of this act or of the rules and regulations of the commission shall have a right of action upon such official bond for the recovery of all damages suffered thereby.

SEC. 6. No chief inspector, deputy inspector, sampler or weigher, shall during his term of office, be interested directly or indirectly in the handling, storing, shipping, purchasing or selling of grain or hay.

Neglect
of duty.

SEC. 7. Any inspector, sampler or weigher of grain or hay who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect, sample or weigh any grain or hay improperly, or who shall directly or indirectly accept any money or other consideration for any neglect of duty or any improper performance of duty as such inspector, sampler or weigher of grain or hay, or any person, persons, corporation or agent who shall improperly influence or attempt to improperly influence any inspector, sampler or weigher of grain or hay, in the performance of his duties as such inspector, sampler or weigher, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail not less than six months, nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

SEC. 8. The cities of Seattle, Tacoma and Spokane shall be provided with state inspection and weighing under this act. Such other cities and towns where grain and hay is received in car load lots or by water craft, and the shipments are such as would reasonably justify and render

Inspection
points.

necessary the inspection of grain or hay, may be designated by the commission as inspection points and be provided with state inspection and weighing: *Provided*, That the expenditure for the inspection and weighing at the points designated by the commission shall not exceed the receipts of fees at such place or places.

SEC. 9. The chief inspector, his deputies, samplers and weighers, shall be employees of the commission and may be removed at any time by the commission. They shall be paid in the same manner as other employees of said commission.

Employees of
commission.

SEC. 10. All charges made by any public warehouseman subject to the provisions of this act for the handling or storage of grain and hay shall be just, fair and reasonable; and the commission is hereby vested with power and authority upon the complaint of any person interested or by inquiry upon its own motion, after a full hearing, to declare any existing charge for the handling or storage of grain or hay, or any regulation whatsoever affecting such charge, or the receipt, handling or storage, to be unreasonable or unjust, and to declare and order what shall be a just and reasonable charge or regulation to be imposed or enforced in place of that found to be unreasonable or unjust.

Regulating
charges.

SEC. 11. All provisions of law relating to the method of procedure by the commission in fixing the rates to be charged by railroad companies for the transportation of freight and passengers, or the promulgation or issuance of rules and regulations, and the review of the acts or orders of such commission with reference thereto, and the enforcement of such orders, shall, so far as the same are applicable, govern the procedure of such commission in regulating public or terminal warehouses, and the review and enforcement of the acts and orders of the commission under the provisions of this act.

Commis-
sioners'
authority.

SEC. 12. The commission shall, on or before the first day of July, 1911, fix standard grades to apply to all grain

Commission
fix grades.

and hay thereafter bought or handled by public or terminal warehouses in this state. Such grades shall be known as Washington grades and shall continue until changed by the commission after notice as provided for the establishment of such grades. Such grades shall be fixed only after a public hearing, notice thereof to be given by two weeks' publication in three principal daily newspapers of the state, one of which, at least, shall be in eastern Washington. All persons desiring to be heard shall have a right to be heard and give such testimony as they may desire to offer. Such witness may be subpoenaed as the commission may deem necessary. The persons subpoenaed by the commission as witnesses shall receive \$5.00 per diem for the time they are actually employed and necessary traveling expenses. The commission shall at such time, after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades of grain or hay and in all executory contracts thereafter entered into for the sale of grain or hay where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage insofar as the same affects the price to be paid, and such rules and regulations shall become part of the contract of sale unless expressly agreed to the contrary in such executory contract.

Witnesses'
salary.

Duty of
chief in-
specter.

It shall be the duty of the chief grain inspector immediately after the establishment of such grades and the promulgation of rules and regulations fixing dockage as herein provided, to supply all public and terminal warehousemen which the records in his office show are then or thereafter engaged in operating such warehouses, with a placard copy of such grades, rules and regulations. It shall be the duty of every public or terminal warehouseman to keep such placard posted in a conspicuous place in such warehouse, and if an office is conducted in connection with such warehouse, a copy shall be posted in a conspicuous place in such office.

Placard
posted.

SEC. 13. The commission shall fix the fees for inspection and weighing of grain and hay, such fees to be a lien

upon such grain and hay and to be paid by the carrier transporting the same and treated by it as advanced charges, except when the bill of lading contains the notation "Not for terminal weight and grade" and the grain or hay is not unloaded at a terminal warehouse. The commission shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions thereof, provided that the fees fixed for inspection and weighing shall in no case exceed five cents per ton for sacked grain; three cents per ton for bulk grain, and eight cents per ton for hay. All moneys collected under the provisions of this act and all fines and penalties for violation thereof shall be paid into the state treasury.

Commission
adjust fees.

SEC. 14. The chief inspector, his deputies and weighers, shall at the places provided for state inspection under this act have exclusive control of the weighing and grading of grain and hay which shall be inspected under the provisions of this act and the action and certificate of such inspectors and weighers in the discharge of their duties shall be conclusive upon all parties interested: *Provided, however,* An appeal may be taken to the commission whose decision shall be final. Suitable books and records shall be kept in which shall be entered a faithful and true record of every car or cargo or part of cargo of grain or hay inspected or weighed by them, showing the number or initial or other designation of such car or cargo or part of cargo, its weight, the kind of grain, or hay and its grade, and if graded below standard No. 1 grade, the reason for such grade, if of inferior grade the amount of such dockage, the amount of fees and forfeitures and disposition of same, and for each car, or cargo or part of cargo of grain or hay inspected they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades below No. 1, the amount to be allowed for dockage, if any, the number of sacks if sacked grain, or bales of hay, with the grade or grades and weight of same, if requested to do so by consignor or consignee. They shall also furnish the agent of the railroad company or other

Record of
cargoes and
grades.

Certificate
given.

carrier over which grain was shipped or carried, a certificate showing the weight of the grain or hay, if requested to do so. They shall also keep a true record of all appeals, decisions and a complete record of every official act, which books and records shall be open to inspection by any party in interest.

Misconduct.

SEC. 15. Upon written complaint filed with the commission charging any inspector, sampler or weigher with official misconduct, inefficiency, incompetency or neglect of duty, the commission shall investigate such charge, and if it be found sustained, shall remove such officer.

Appeal from grading.

SEC. 16. In case any owner, consignee or shipper of grain, or his agent or broker, or any public or terminal warehouseman shall be aggrieved at the grading of his grain or hay, such aggrieved person may appeal to the commission from such decision within thirty days from the date of certificate, and paying a fee to be fixed by the commission, which shall be refunded if the decision appealed is sustained. Such notice of appeal may be taken by a letter or notice to the commission that it appeals from the decision of the inspector. It shall be the duty of the commission upon receiving such notice to immediately notify the parties interested of the time and place designated by it for a hearing and at such time and place, which shall be within twenty days from the date of receiving such notice hold a hearing and inquire into the reasonableness and correctness of such original grading and such evidence shall be received as the parties thereto may desire to offer. After such hearing the commission shall make such order affirming or modifying the grade so established by the inspector as the facts and evidence may justify.

Fee fixed by commission.

SEC. 17. All grain and hay received at terminal warehouses shall be inspected and weighed by a state inspector and when exported shall if requested be reinspected and graded in like manner and a certificate of grade issued, a reasonable fee to be charged for such reinspection, said fee to be fixed by the commission. All other grain and hay received in car load lots or, when shipped by water in lots

containing more than thirty tons of grain or twelve tons of hay at inspection points, not unloaded at a terminal warehouse, shall be weighed, inspected and graded, unless the bill of lading contains a notation "not subject to inspection or terminal weight or grade."

SEC. 18. Any person, firm, company, corporation or association of persons owning or operating any public or terminal warehouse or warehouses in this state, shall on or before June 30th of each year, procure from the commission, a license for each such warehouse so owned or operated for the ensuing year before transacting business at such public warehouse or warehouses. Such license shall be posted in a conspicuous place in the office of each warehouse. The fee for such license shall be one dollar for each public warehouse, and the commission may revoke any such license for cause, upon notice and hearing. Any person, corporation or association operating any public or terminal warehouse in this state without a license shall forfeit to the state for each day's operation fifty dollars, and such operation may be enjoined upon complaint of the commission.

Procure
license.

SEC. 19. Every such warehouseman shall annually, during the first week in July, publish by posting in a conspicuous place in his warehouse, a schedule of storage rates for the ensuing year, which schedule shall be kept posted in a conspicuous place in said warehouse, and said rates shall not be increased during such year, and no discrimination in rates shall be made by any such warehouseman.

Post
schedule.

SEC. 20. Every person having an interest in any grain or hay stored in any such warehouse, and every state grain inspector, shall have the right to examine at all times during ordinary business hours any grain or hay so stored, and all parts of such warehouse; and every warehouseman, his agents and servants shall furnish proper facilities for such examination.

Privilege of
examining.

SEC. 21. If any public or terminal warehouseman subject to the provisions of this act shall, directly or indirectly, by any special charge, rebate, draw back or other

Rebate.

device demand, collect or receive from any person or persons a greater or lesser compensation for any service rendered or to be rendered in the handling or storage of grain or hay than he demands, collects or receives from any other person or persons for doing for him or for them a like and contemporaneous service in the handling or storage of grain or hay under substantially similar circumstances or conditions, or if any such public or terminal warehouseman shall make or give any undue or unreasonable preference or advantage to any person, company, firm or corporation in any respect whatsoever, or shall subject any particular person, company, firm or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such warehouseman shall be subject to a penalty as hereinafter provided.

SEC. 22. Every public warehouseman shall receive for storage and shipment, so far as the capacity of his warehouse will permit, all grain and hay in a warehouse used for this purpose, in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. A warehouse receipt in form prescribed by the commission, consecutively numbered, shall be issued and delivered to the owner or his representative immediately upon receipt of each load or parcel of grain or hay, or as he may demand, giving the true and correct grade and weight thereof: *Provided*, That upon request of the owner, grain or hay may be put in a special pile without grading, and if grain or hay has been wet or damaged it shall be received and piled in a special pile, marked with a distinguishing mark, which shall be shown on the receipt for the same and given for the number of sacks only, or bales. The failure to issue, when requested, said receipt, or some slip, memoranda or other form of receipt shall be subject to a penalty as hereinafter provided.

Receipt
issued.

Failure
to issue.

SEC. 23. Upon the return of the receipt to the proper warehouseman, properly indorsed, and upon payment or tender of all advances and legal charges, grain or hay of the grade and quantity named therein shall be delivered to

the holder of such receipt, within forty-eight hours after the facilities for receiving the same have been provided. If such warehouseman shall fail so to deliver it, he shall be liable to the owner in damages at the rate of one cent a bushel for each day's delay, unless he shall deliver the property to the several owners in the order of demand as rapidly as it can be done by ordinary diligence. If upon such demand and tender the warehouseman shall fail so to deliver such grain or hay, the person entitled thereto may recover the same by action; and such warehouseman or person or agent in charge thereof shall be subject to a penalty as hereinafter provided.

Deliver
on payment
of charges.

SEC. 24. On June 30th of each year every warehouseman shall make report under oath to the commission on blanks or forms prepared by it showing the total number of sacks and weight of each kind of grain and bales and weight of hay, received and shipped from each warehouse licensed under this act, and also the amount of outstanding storage receipts on said date, and a statement of the amount of grain and hay on hand to cover the same. The commission may also require special reports from such warehouseman at such times as the commission may deem expedient. The commission may cause every such warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent whenever deemed proper, and the property, books, records, accounts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection. Each person, firm, corporation or association of persons operating any public warehouse or warehouses subject to the provisions of this act shall, on or before the first day of July of each year, give a bond in good and sufficient surety to the State of Washington, in such sum as the commission may require, to be approved by such commission and the attorney general, conditioned upon the faithful performance of the acts and duties enjoined upon them by law.

Annual
report.

Warehouse
inspection.

SEC. 25. Whenever required by the commission every railroad company shall construct and maintain at each sta-

Railroad
facilities.

tion and siding in this state suitable facilities for the purpose of loading bulk grain direct from wagons into cars for shipment. The commission may require an increase in such facilities or additional facilities whenever it deems it necessary for the purpose of loading.

Inspected
on call.

SEC. 26. In case grain or hay is sold for delivery on Washington grade to be shipped from places not provided with state inspection under this act, the buyer, seller or persons making the delivery may have it inspected out by notifying the chief inspector or a chief deputy, whose duty it shall be to have such grain inspected, and after it is inspected to issue to the buyer, seller or person delivering it on request, an inspector's certificate showing the grade of such grain. The person or persons calling for such inspection shall pay for such inspection a reasonable fee to be fixed by the commission.

Samples.

SEC. 27. It shall be the duty of the chief inspector to transmit samples of grain showing the standards thereof adopted, to such foreign chambers of commerce, boards of trade, exporters and persons, firms, corporations or associations handling and dealing in Washington grain, as the commission may designate, and upon request he shall furnish such samples to similar parties in this state or the United States under such reasonable rules and regulations as the commission may prescribe.

Examine
cars.

SEC. 28. The chief inspector or any deputy inspector, sampler or weigher serving under him before opening the doors of any car containing grain or hay upon arrival at any of the places designated herein for inspection shall first ascertain the condition of such cars and determine whether any leakages have occurred while said cars were in transit, whether or not the doors were properly secured and sealed at point of shipment, and shall make a record of such facts in all cases, giving seal and plug numbers. After such examinations have been made and recorded, and the inspection of such grain or hay has been made, the said officials shall securely close and reseal such doors as have been opened by them, using the special seal of the said state

grain inspection department for the purpose. A record of all original seals broken by said officials, and the date when broken, and also a record of all state seals substituted therefor, and the date and number of said seals shall be made by said officials. The chief inspector, his deputies, weighers or samplers shall break the seal, weigh and superintend the unloading of all cars of grain or hay subject to inspection, and any other person or persons breaking the seal or weighing such cars of grain or hay shall be guilty of a misdemeanor.

Use special seal.

SEC. 29. Any railroad delivering grain or hay in cars at any of the places provided with state inspection under this act shall provide convenient and suitable sidetracks at such places as the commission may designate, on which all cars of grain or hay delivered by them shall, upon arrival, be set and arranged convenient for inspection, and after inspection such railroad company shall promptly distribute all such cars of grain and hay and set them at the proper place or places to be unloaded as designated by the consignor or consignee. Such railroad company shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the chief inspector and his deputies. It shall be the duty of the chief inspector or his deputies to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided, it shall be the duty of the chief inspector or his deputies to use such scales in weighing all grain or hay received over the line of such railway: *Provided*, That if any terminal warehouse in inspection cities are provided with proper scales and weighing facilities, the chief inspector or his deputies may weigh the grain upon the scales so provided. The chief inspector or one of his deputies shall, at least once each year, examine, test and require to be corrected all scales used in weighing grain or hay in any of the cities designated as inspection points in this act,

Provide sidetracks.

Distribute cars.

Annual scale test.

or such places as may be hereafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year, unless sooner revoked by the chief inspector or his deputy. If such scales be found to be inaccurate or unfit for use, the chief inspector or his deputy shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the inspector or his deputy, the certificate of such party shall be suspended or revoked, in the discretion of the inspector or his deputy. The party receiving such certificate shall pay to the chief inspector or his deputy a reasonable fee for such inspection and certificate to be fixed by the commission, which sum shall be paid into the state treasury. It shall be the duty of the said commission to see that the provisions of this section are strictly enforced.

Fee for
inspection.

Fee to
state
treasury.

Police
protection.

SEC. 30. All railroad companies and warehousemen operating in the cities provided for inspection by this act, shall furnish ample and sufficient police protection at all their several terminal yards and terminal tracts to securely protect all cars containing grain or hay, while the same are in their possession. They shall prohibit and restrain all unauthorized persons, whether under the guise of sweepers, or under any other pretext whatever, from entering or loitering in or about their railroad yards or track and from entering any car of grain or hay under their control, or removing hay or grain therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section.

SEC. 31. Any railroad company or common carrier, or other corporation, and any warehouseman, which shall violate or fail to comply with any provision of this act; or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or require-

Violation
and penalty.

ment of the commission made under the provisions of this act, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense, and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

Every officer, agent or employee of any railroad company or common carrier, or other corporation, or any warehouseman, which shall violate or fail to comply with, or who procures, aids or abets any violation by any such railroad company or common carrier, or other corporation or warehouseman, of any provision of this act, or who shall fail to obey, observe or comply with any order of the commission, or any provision of any order of the commission; or who procures, aids or abets any such railroad company or common carrier, or other corporation, or any warehouseman, in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

Relating to violation.

Gross misdemeanor.

Every person either individually or acting as an official or agent of any corporation other than a railroad company, common carrier or warehouseman, who shall violate any provision of this act, or fail to observe or comply with any order made by the commission under this act, so long as the same shall be or remain in force; or shall procure, aid or abet any such corporation in its violation of this act, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor.

SEC. 32. If any section or part of a section of this act shall be for any cause held to be unconstitutional, such fact shall not affect the remainder of this act.

Constitutionality.

SEC. 33. There is hereby appropriated for the purpose of carrying out the provisions of this act for the biennial period beginning April 1, 1911: For salary of chief inspector, four thousand dollars; for salary of clerk, two thousand four hundred dollars; for salaries of deputy inspectors, samplers, weighers, and for office rent,

Appropriating for salaries and incidentals.

traveling expenses, postage and office supplies (or so much thereof as may be necessary, but in no event to exceed the receipts provided for herein), one hundred thousand dollars: *Provided*, That the state auditor may, at the beginning of any biennial period anticipate the receipts and issue warrants to cover the same to any amount not exceeding ten thousand dollars.

Repeal.
[See note
to title.]

SEC. 34. That chapter 137 of the Laws of 1909 be and the same is hereby repealed.

Passed by the House February 17, 1911.

Passed by the Senate March 1, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 92.

[H. B. 426.]

AUTHORIZING ESTABLISHMENT OF PORT DISTRICTS.

AN ACT authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor.

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

SECTION 1. *Port Districts Authorized.*

Port
districts.

Port districts for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, are hereby authorized to be established in the various counties of this state, as in this act provided.

SEC. 2. *Formation of District.*

Petition of
10 per cent.

At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state may, or on petition of ten per cent. of the qualified electors of such county based on the total vote cast in the last general county

election, shall, by resolution submit to the voters of such county the proposition of creating a port district which shall be co-extensive with the limits of such county as now or hereafter established, and the board of county commissioners shall submit such proposition at a special election to be called therefor when such petition so requests. Such petition shall be filed with the county auditor who shall within fifteen (15) days examine the signatures thereto and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient it shall be returned to the persons filing the same, who may amend or add names thereto for ten days when the same shall be returned to the county auditor who shall have an additional fifteen (15) days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners who shall, at their first meeting thereafter, if such petition so requests, by resolution, call a special election to be held not less than thirty (30) nor more than sixty (60) days from the date of such certificate and shall cause to be published for not less than twenty (20) days, notice of such election in one or more daily newspapers of general circulation in such county, which notice shall state the hours during which such polls will be open, the boundaries of the proposed port district and the object of such election, and shall be posted for ten (10) days in ten public places in such proposed port district. The same notice shall be given in the event of such proposition being submitted at a general election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot in the following terms:

Auditor
certify.

Withdrawal
not per-
mitted.

Publish
notice.

Form of
ballot.

“Port of Yes.” (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

“Port of No” (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

Area.

There shall be not less than one (1) polling place in each of the various wards of any incorporated city within such proposed port district, and one (1) polling place in each precinct in such proposed port district, not within the limits of any incorporated city: *Provided*, That any petition for the formation of a port district may describe a district of less area than the county in which such petition is filed, and in such event the county commissioners shall fix a date for hearing on such petition and publish a notice of such hearing for two weeks in a newspaper of general circulation in such county, after which hearing the county commissioners may increase or diminish the boundaries of such proposed port district and thereafter the same procedure shall be followed as is prescribed in this act for the formation of the larger port district, except that the petition and election shall be confined solely to the lesser port district: *And provided*, That whenever two or more petitions for the formation of a port district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser port district shall ever be created within the limits, in whole or in part, of any port district.

Greater
area
supersedes.

SEC. 3. *Elections—Powers of Commissioners.*

Election.

If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the board of county commissioners shall also declare in its canvass of its returns of such elections, and such port district shall then be and become a municipal

corporation of the State of Washington and the name of such port district shall be "Port of" (inserting the name appearing on the ballot). The powers of the port district shall be exercised through a port commission consisting of three members, one from each of the three county commissioner districts of the county in which the port district is located, when the port district is co-extensive with the limits of such county. When the port district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district and one commissioner shall be elected from each of said commissioner districts. No person shall be eligible to hold the office of port commissioner unless he is a qualified voter, a freeholder and is and has been a resident for a period of three (3) years of the commissioner district he is elected from. Port commissioners shall hold office for a term of three (3) years. At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three (3) commissioners shall be elected to hold office, respectively, for the term of one, two and three years. All candidates shall be voted upon by the entire port district, and the candidate residing in commissioner district number one receiving the highest number of votes in the port district shall hold office for the term of three (3) years; the candidate residing in commissioner district number two receiving the highest number of votes in the port district shall hold office for the term of two (2) years, and the candidate residing in commissioner district number three receiving the highest number of votes in the port district shall hold office for the term of one (1) year, from and after the first Monday in December following the creation of such port district as hereinafter provided. All expenses of elections for the formation of such port districts shall be paid by the county holding such election and such expenditure is hereby declared to be for a county

Eligibility.

Terms of office.

purpose, and the money paid out for such purpose shall be repaid to such county by the port district, if formed. At least twenty (20) days prior to the first Monday in December of each year such port commission shall give notice by publication for at least ten (10) days in a daily newspaper published within such port district, that an election will be held on the first Monday in December of each year for the election of a successor to the retiring port commissioner, to hold office for the term of three (3) years and until his successor is elected and qualified. Nominations for port commissioners at the first special election and at subsequent general elections, shall be by petition of one hundred (100) qualified electors of the commissioner district in which the candidate is a resident, to be filed in the office of the county auditor at least fifteen (15) days prior to such election: *Provided, however,* That there shall be no election held on the first Monday in December immediately following the creation of such port district: *And provided further,* That in the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining port commissioners, until the next regular election for port commissioners. A vacancy in the office of port commissioner shall occur by death, resignation, removal, conviction of a felony, non-attendance at meetings of the port commission for a period of sixty (60) days unless excused by the port commission, by any statutory disqualification or by any permanent disability preventing the proper discharge of his duty. Such port commission shall designate in all notices of election whether such election be a general or special election; the time of the opening and closing the polls and the places for voting, and in no event shall there be less than one (1) polling place in each of the various wards of any city in the port district, and at least one (1) polling place in each precinct in the port district not within the limits of any incorporated city. The polls shall be kept open on every election day by said port district at least from

Publish
notice.

Nominations
by petition.

Vacancy.

eleven o'clock a. m. to seven o'clock p. m., but said port commission may keep the polls open for a longer period of time if they shall so order; but the time of opening and closing the polls must be stated in the notice of election, and the polls shall be opened and closed in accordance with such notice. All qualified electors within such port district shall be entitled to vote at any election held in such port district. The officers of the city or county having charge of the registration books shall deliver the same to the port commission for the use of its election officers at any election held in a port district formed under the provisions of this act. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, they shall be delivered to such port commission and school district or other public corporation, jointly, and the same polling places and registration books shall be used jointly by all of such public corporations. The registration of voters for election to be held in such port district shall be the same in all respects as is now required by law, and no additional registration shall be required to qualify any elector to vote at any port district election: *Provided*, That notice of closing registration books shall be given, and the same shall be closed for registration prior to the holding of any election authorized by this act in the same manner and for the same time as is now or may be provided by law for primary elections.

Hours for
voting.

Joint
elections.

The city clerk or registration officer required to perform the duties enumerated in this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for general or special city elections that are not inconsistent with these provisions, shall govern the registration of voters for elections held under this act; and the registration books of the city and territory within said port district shall be the books used by said port commission, and no separate registration books shall be kept or maintained by

No extra
compensation.

it. The manner of holding any general or special election for the organization of said port district or which may thereafter be held by any port district, shall be in accordance with the laws of this state relating to general elections in so far as the same are not inconsistent with the provisions of this act.

General laws apply.

SEC. 4. *Powers of District.*

All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, leases, or easements necessary for the purposes of the port district and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation necessary in carrying out the purposes for which said district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or re-assessment rolls provided by law to be prepared and filed by eminent domain commissioners shall be prepared and filed by the port commission of the port district, and the duties devolving upon the city treasurer under said law be, and the same are hereby imposed upon the county treasurer for the purposes of this act; to lay out, construct, condemn, purchase, acquire, add to, maintain, conduct and operate any and all systems of sea walls, jetties, wharves, docks, ferries, canals, locks, tidal basins and other harbor improvements, rail and water transfer and terminal facilities within such port district; to establish local improvement districts within such port districts, and to levy special assessments under the mode of annual installments extending over a period not exceeding ten (10) years, on all property specially benefited by any local improvement, on the basis of special benefits to pay, in whole or in part, the

Power to condemn.

Duty of port commissioners.

damages or costs of any improvements ordered in such local improvement district; to issue local improvement bonds in any such local improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by state law for the levying and collection of local improvement assessments and issuance of local improvement bonds by cities of the first class, in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be, and the same hereby are, imposed upon the county treasurer for the purposes of this act; to own and control lands, leases and all easements in land necessary for the purposes of the port district; to improve navigable and non-navigable waters of the United States and of the State of Washington within the port district; to create and improve for harbor purposes new waterways within the port district; to regulate and control all such waters within the limits of such port district so far and to the full extent that this state can and hereby does grant the same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, water courses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix, subject to state regulation, rates of wharfage, dockage and all necessary port and terminal charges; to execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the port commission may deem proper: *Provided*, That no lease shall be executed for a period longer than thirty (30) years; to raise revenue by levy of an annual tax on all taxable property within such port district, not exceeding two mills in any one year: *Provided*, That such levy shall be made and taxes collected in the manner now or hereafter provided by law for the levy and collection of school district taxes; to bor-

Ten annual
payments.

Treasurer's
duty.

Purposes.

Three-fifths vote.

Elections, how called.

Conditions and terms.

Fifty-year limit.

row money and issue bonds in an amount not exceeding two and one-half ($2\frac{1}{2}$) per cent. of the taxable value of all property in such port district upon a three-fifths majority vote of the qualified voters in such port district voting thereon: *Provided*, That the calling and manner of holding such elections for issuance of bonds shall be the same as is now or may hereafter be prescribed by law for the issuance of school district bonds in so far as the same shall not be inconsistent with the provisions of this act. And no bonds shall ever be issued to provide for the acquiring or construction of any dock or wharf until such commission shall have first negotiated a lease of such dock or wharf for a term of not less than ten years upon terms which will produce a net income sufficient to pay the interest on the bonds issued as such interest accrues, and create a sinking fund which, at a proportionate rate will retire the bonds at maturity, which lease shall be secured by a bond from a lessee, with sureties satisfactory to said port commission, in a sum equal to five years' rental, and conditioned to carry out and perform the terms and conditions of such lease, or, if operated directly as a public wharf, a schedule of wharfage rates shall be fixed, and, if necessary, shall thereafter be raised, which shall produce a net income sufficient to pay the interest on the bonds issued as such interest accrues, and create a sinking fund which, at a proportionate rate will retire the bonds at maturity, and said schedule of rates shall not at any time be reduced below a point which will pay the interest and retire the bonds as aforesaid: *Provided*, That no general bonds of such district shall be issued for a longer period than fifty (50) years.

SEC. 5. *Port Commissioners — Organization — Contracts.*

All port commissioners shall serve without compensation. The port commission shall organize by the election from its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All pro-

ceedings of the port commission shall be by resolution recorded in a book or books kept for such purpose, which shall be public records. All funds of the port district shall be paid to the county treasurer, and all disbursements shall be made by such officer on warrants drawn by the county auditor upon order of or vouchers approved by the port commission. The port commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of \$5,000.00, shall be let by contract. Before awarding any such contract the port commission shall cause to be published in some newspaper published within the district a notice for at least ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications for which must at the time of publication of such notice be on file in the office of the port commission subject to public inspection: *Provided, however,* That the port commission may at the same time and as a part of the same notice invite tenders for said work or materials upon plans and specifications to be submitted by the bidders. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the commission on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the port commission for a sum not less than five per cent of the amount of the bid, and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the commission shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided, however,* That no contract shall be let in excess of the estimated cost of said materials or work, or if in the opinion of the commission all bids are unsatisfactory, they may reject all of them and re-advertise, and in

Proceedings
recorded.

Authority.

Advertise
for bids.

Certified
check to
accompany
bid.

May reject
all bids.

Contract entered.

such case all checks shall be returned to the bidders; but if such contract be let, then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the commissioners in the full amount of the contract price, between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the port district.

SEC. 6. *Adoption of Harbor Improvement Plans.*

Adopt plan.

It shall be the duty of the port commission of any port district, before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvement in such port district, after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in such port district, and no expenditure for the carrying on of any harbor improvements shall be made by said port commission other than the necessary salaries of engineers, clerical and office expense of such port district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of harbor improvements in such port district, unless and until such comprehensive scheme of harbor improvement has been so officially adopted by the port commission and ratified by a majority vote of the people of such port district voting thereon in favor thereof at a special election which shall be held for such purpose; twenty days' notice of such election shall be duly published in one or more daily newspapers of general circulation in such port district: *Provided, however,* That in lieu of the adoption of such plan as aforesaid, said port commission may proceed either independently or in cooperation with any plan of harbor or water-

May proceed independently.

way improvement within such port district which shall have been adopted by vote of the people of any incorporated city in such port district at any election held for such purpose prior to the first day of April, 1912, which plan may be officially adopted by resolution of the port commission.

Adopted by
resolution.

SEC. 7. *Improvement to Follow Plans Adopted.*

When such general plans shall have been adopted or approved, as aforesaid, every improvement to be made by said port commission shall be made substantially in accordance therewith, unless and until such general plans shall have been changed by a majority vote of the qualified electors of the port district voting thereon at any general election or special election called by the port commission for such purpose, in which event the same notice of election shall be given as is required for the election provided for in the last preceding section.

Follow
general
plans.

SEC. 8. *Improvements—Ownership of.*

No improvement shall be acquired or constructed, by the port district, unless such improvement shall, when completed, be the property of such port district, the county in which such port district is located, the State of Washington or the United States of America, and the funds of such port district may be expended in the acquirement or construction of any harbor improvement embraced in such general plan adopted as in this act provided in conjunction with the county in which such port district is located, the State of Washington, or the United States of America, or all or any of them.

Property
of port
district.

SEC. 9. *Improvements by Port District.*

Before ordering or aiding any improvement, the cost of which, in excess of fifty per cent., is to be borne by the entire port district, the port commission shall adopt the detail plans, declare the estimated cost thereof, the annual expenditures to be made thereon and if such annual expenditure shall exceed one-half mill of the port district tax levy allowed by this act, based on the assessment valuation for the current year the port commissioner shall and by

Relating
to cost.

resolution submit to the electors of the port district at a general or special election, the proposition to so expend the general funds or issue the general bonds of the district, twenty days' notice of which election shall be given in a newspaper of general circulation in such port district. If a majority of the electors voting thereon shall vote in favor of making such expenditure from the general funds or by issuance of general bonds of the port district, the commission may order the improvement and proceed to acquire the land or property necessary therefor, and advertise and let the contract for the same.

SEC. 10. *Local Improvements Upon Majority Petition.*

Whenever a petition signed by one hundred (100) freeholders in the district to be therein described, shall be filed with the port commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, it shall be the duty of the port commission to fix a date for hearing on such petition, after which it may alter the boundaries of such proposed district and prepare and adopt detail plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district, and what proportion of the cost, if any, but in any event not to exceed fifty per cent., shall be borne by the entire port district. At any time within two years thereafter, upon petition of the owners of a majority of the lands in such proposed local improvement district, fixed by the port commission, as shown in the office of the auditor of such county, asking that such improvement be ordered, the port commission shall forthwith by resolution order such improvement, provide the general funds of the port district to be applied thereto, acquire all lands necessary therefor, pay all damages caused thereby, and commence in the name of the port district such eminent domain proceedings and supplemental assessment or re-assessment proceedings to pay all eminent domain awards as may be necessary to entitle said

Relating
to bonding
district.

Petition
presented.

Hearing.

Resolution
to improve.

port district to proceed with such work, and shall thereafter proceed with such work, and shall make and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within such local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll a notice shall be published ten (10) days in one or more daily newspapers of general circulation in such local improvement district, stating that such roll is on file and open to inspection in the office of the clerk of the port commission, and fixing a time not less than fifteen (15) nor more than thirty (30) days from the date of the first publication of such notice within which protests must be filed with the clerk of said port commission against any assessments shown thereon, and fixing a time when a hearing shall be held by said commission on said protests. After such hearing the port commission may alter any and all assessments shown on such roll and may then by resolution approve the same, but in the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the port commission. Any person feeling aggrieved by any such assessments shall perfect an appeal to the superior court of such county within ten (10) days after such approval in the manner now provided by law for appeals from assessments levied by cities of the first class in this state. Engineering and office expenses in all cases shall be borne by the general district.

File special assessment roll.

Publish notice.

New notice.

Expenses, how borne.

SEC. 11. *Fifty Per Cent. of Cost of Local Improvement May Be Paid From General Fund.*

Whenever any improvement shall be ordered, payment for which shall be made in part from assessments against property specially benefited, not more than fifty (50) per cent. of the cost thereof shall ever be borne by the entire port district, nor shall any sum be contributed by it to any improvement acquired or constructed with or by any other

Fifty per cent. limit.

body, exceed such amount, unless a majority vote of the electors of the port district shall consent to or ratify the making of such expenditure.

SEC. 12. *Funds in Anticipation of Revenues.*

May issue
warrants.

Any port commission is hereby authorized, prior to the receipt of taxes raised by levy, to borrow money or issue the warrants of the district in anticipation of the revenues to be derived by such district from the levy of taxes for the purpose of such district during the first year, and such warrants shall be redeemed from the first money available from such taxes when collected.

SEC. 13. *County Treasurer—Funds.*

Port fund.

The county treasurer shall create a fund to be known as the "Port of Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such port district, and no money shall be disbursed therefrom except upon warrants of the county auditor issued as in this act provided. The county treasurer shall also maintain such other special funds as may be prescribed by the port commission, into which shall be placed such moneys as the port commission may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the port commission.

SEC. 14. *Cumulative.*

Cumulative.

This act shall not be construed to repeal, amend or modify any law heretofore enacted providing a method of harbor improvement, regulation or control in this state, but shall be held to be an additional and concurrent method providing for such purpose.

Passed by the House March 3, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 93.

[H. B. 484.]

REAPPROPRIATING FROM HIGHWAY FUND.

AN ACT re-appropriating the sum of ninety-four thousand nine hundred twenty-nine and 66-100 dollars (\$94,929.66) from the state highway fund to complete contracts and construction work now in force on state roads, and declaring an emergency.

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

SECTION 1. That the sum of ninety-four thousand nine hundred twenty-nine and 66-100 dollars (\$94,929.66), or so much thereof as may be necessary, be, and the same is hereby reappropriated from the state highway fund for completing work already under contract and construction on state roads hereinafter mentioned, the completion of such work having been delayed by weather conditions and other unavoidable causes, the above amount being the unexpended balance of existing appropriations as shown by the state auditor's books on Feb. 14, 1911.

Appro-
priating
\$94,929.66.

SEC. 2.

	Balance.
State road No. 1.....	\$9,884 46
State road No. 2.....	2,047 42
State road No. 4.....	1,243 48
State road No. 5.....	19,397 02
State road No. 6.....	757 51
State road No. 7.....	21,269 44
State road No. 8.....	398 08
State road No. 9.....	7,941 79
State road No. 10.....	9,218 16
State road No. 12.....	333 41
State road No. 14.....	249 03
State road No. 15.....	258 14
State road No. 16.....	21,133 70
State road No. 18.....	53 39
Maintenance of state roads.....	398 77
Proposed state roads.....	493 93

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

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 14, 1911.

CHAPTER 94.

[S. B. 203.]

DEDICATING STREET OVER STATE UNIVERSITY CAMPUS
AND LAKE WASHINGTON SHORE LANDS.

AN ACT dedicating to the public for street and boulevard purposes certain tracts of land in section 16, township 25, north range 4 east, W. M., and in blocks 7 and 8, of Lake Washington shore lands, upon condition that no assessments for the improvement thereof shall be levied against the property above described, and vacating certain streets.

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

SECTION 1. There is hereby dedicated to the public for street and boulevard purposes the following described lands situated in section 16, township 25, north range 4 east, W. M., and blocks 7 and 8 of Lake Washington shore lands, to-wit: Beginning at a point on the east margin produced north of Montlake boulevard as platted in Montlake park, an addition to the city of Seattle, said point being also on the north line of the right of way of the Lake Washington canal; thence north no degrees one minute six seconds ($0^{\circ} 01' 06''$) east, a distance of five hundred forty-seven and three one-hundredths (547.03) feet to the beginning of a curve to the right, having a uniform radius of one thousand ninety-one and twenty-eight one-hundredths (1,091.28) feet; thence northeasterly along the arc of said curve a distance of five hundred ninety-one and ninety-five one-hundredths (591.95) feet to a point of tangency; thence north thirty-one degrees five minutes fifty-one seconds ($31^{\circ} 05' 51''$) east, a distance of one hundred twenty-six and forty-seven one-hundredths (126.47) feet to the beginning of a curve to the left having a uniform radius of nine hundred fourteen and forty-nine one-hundredths (914.49) feet; thence northeasterly along the arc of said curve, a distance of three hundred twenty-two and seventy-one one-hundredths (322.71) feet; thence north thirteen degrees, twenty-four minutes, forty-eight seconds ($13^{\circ} 24' 48''$) east, a distance of nine hundred seventy-three and eighteen one-hundredths (973.18) feet to a point of tan-

Dedication.

Description.

gency; thence north 11 degrees, 5' 48'' east a distance of 1,905.36 feet to the beginning of a curve to the left, having a uniform radius of four hundred sixty (460) feet; thence northerly along the arc of said curve, a distance of one hundred forty-two and forty-one one-hundredths (142.41) feet to a point of reverse curve; thence northerly along the arc of a curve to the right, having a uniform radius of four hundred sixty (460) feet, a distance of one hundred twenty and ninety-four one-hundredths (120.94) feet to a point of reverse curve; thence northerly along the arc of a curve to the left, having a uniform radius of two thousand nine hundred seventy-four and ninety-three one-hundredths (2,974.93) feet, a distance of one thousand and eleven and thirteen one-hundredths (1,011.13) feet to a point of reverse curve; thence northeasterly along the arc of a curve to the right, having a uniform radius of fifty (50) feet, a distance of eighty-eight and one one-hundredths (88.01) feet to a point of tangency on a line which is parallel to a distant thirty-five (35) feet south from the section line between sections nine (9) and sixteen (16), township twenty-five (25) north, range four (4) east, W. M., said point of tangency being two thousand five hundred thirty-eight and seventy-two one-hundredths (2,538.72) feet east and thirty-five (35) feet south from the northwest corner of said section sixteen (16), township twenty-five (25) north, range four (4) east, W. M.; thence west along said line a distance of one hundred twenty-eight and sixty-eight one-hundredths (128.68) feet; thence southerly along the arc of a curve to the right, having a uniform radius of two thousand nine hundred four and ninety-three one-hundredths (2,904.93) feet (said curve being concentric with the above described curve which has a radius of two thousand nine hundred seventy-four and ninety-three one-hundredths (2,974.93) feet,) a distance of one thousand one hundred ninety-eight and seventy-two one-hundredths (1,198.72) feet; thence south eleven degrees five minutes forty-eight seconds (11° 05' 48'') west a distance of forty-three and sixty one-hundredths (43.60) feet; thence

Describing
property
dedicated.

Description
continued.

north forty-eight degrees fifty-four minutes twelve seconds ($48^{\circ} 54' 12''$) west, a distance of sixty-three and seventy one-hundredths (63.70) feet to the beginning of a curve to the right having a uniform radius of fifty (50) feet; thence northwesterly along the arc of said curve a distance of fifty-one and eighty-two one-hundredths (51.82) feet to a point of reverse curve; thence northerly along the arc of curve to the left having a uniform radius of two thousand eight hundred twenty-four and ninety-three one-hundredths (2,824.93) feet, a distance of one thousand one hundred fifty-three and fifteen one-hundredths (1,153.15) feet to a point on the above described line which is thirty-five (35) feet south from the section line between sections nine (9) and sixteen (16), township twenty-five (25) north, range four (4) east, W. M., said point being distant two thousand three hundred twenty-eight and ten one-hundredths (2,328.10) feet east and thirty-five (35) feet south from the northwest corner of said section sixteen (16), township twenty-five (25) north, range four (4) east, W. M.; thence west along said line a distance of one hundred twelve and twenty-nine one-hundredths (112.29) feet; thence southerly along the arc of a curve to the right having a uniform radius of two thousand seven hundred fourteen and ninety-three one-hundredths (2,714.93) feet (said curve being concentric with the above described curve which has a radius of two thousand eight hundred twenty-four and ninety-three one-hundredths (2,824.93) feet) a distance of one thousand one hundred sixty-one and eighty-seven one-hundredths (1,161.87) feet; to a point of tangency; thence south eleven degrees five minutes forty-eight seconds ($11^{\circ} 05' 48''$) west a distance of ninety-six and fifty-five one-hundredths (96.55) feet to the beginning of a curve to the left having a uniform radius of twenty (20) feet; thence southeasterly along the arc of said curve a distance of twenty and ninety-four one-hundredths (20.94) feet to a point of tangency; thence south forty-eight degrees fifty-four minutes twelve seconds ($48^{\circ} 54' 12''$) east a distance of one

hundred seventy-eight and ninety-seven one-hundredths (178.97) feet to the beginning of a curve to the right having a uniform radius of fifty (50) feet; thence southerly along the arc of said curve a distance of fifty-two and thirty-six one-hundredths (52.36) feet to a point of tangency; thence south eleven degrees five minutes forty-eight seconds ($11^{\circ} 05' 48''$) west a distance of one thousand seven hundred seventy-eight and seventy-four one-hundredths (1,778.74) feet to the beginning of a curve to the right having a uniform radius of eight hundred four and forty-nine one-hundredths (804.49) feet; thence southwesterly along the arc of said curve a distance of two hundred seventy-nine and seventy-five one-hundredths (279.75) feet; thence south twenty-six degrees five minutes forty-seven seconds ($26^{\circ} 05' 47''$) west a distance of four hundred twenty-six and ninety-five one-hundredths (426.95) feet; thence southerly along the arc of a curve to the left having a uniform radius of one thousand two hundred one and twenty-eight one-hundredths (1,201.28) feet, said curve being tangent at this point to a line which bears south sixteen degrees forty-four ($16^{\circ} 44'$) west, a distance of three hundred fifty and forty-five one-hundredths (350.45) feet to a point of tangency; thence south no degrees one minute six seconds ($0^{\circ} 01' 06''$) west a distance of ninety-five and fifty-two one-hundredths (95.52) feet to the beginning of a curve; thence southwesterly, westerly and northwesterly along the arc of a curve to the right having a uniform radius of fifty (50) feet, a distance of one hundred ten and forty-eight one-hundredths (110.48) feet to a point of tangency; thence north fifty-three degrees twenty-two minutes thirty-one seconds ($53^{\circ} 22' 31''$) west a distance of five hundred seventy-six and fifty-five one-hundredths (576.55) feet to the beginning of a curve to the right having a uniform radius of fifty (50) feet; thence northerly and northeasterly along the arc of said curve a distance of one hundred twenty-eight and eighty-nine one-hundredths (128.89) feet to a point of reverse curve; thence easterly and northeasterly along the

Description
continued.

Description
continued.

arc of a curve to the left having a uniform radius of eight hundred fifty-four and forty-nine one-hundredths (854.49) feet a distance of five hundred thirteen and thirty one-hundredths (513.30) feet to a point of reverse curve; thence easterly and southeasterly along the arc of a curve to the right having a uniform radius of fifty (50) feet a distance of one hundred nineteen and forty-one one-hundredths (119.41) feet; thence north twenty-six degrees five minutes and forty-seven seconds ($26^{\circ} 05' 47''$) east a distance of four hundred twenty-six and ninety-five one-hundredths (426.95) feet; thence southwesterly westerly and northwesterly along the arc of a curve to the right having a uniform radius of eight hundred four and forty-nine one hundredths (804.49) feet, said curve being tangent at this point to a line which bears north thirty-one degrees one minute fourteen seconds ($31^{\circ} 01' 14''$) east a distance of one thousand six hundred twenty-two and thirteen one-hundredths (1,622.13) feet to a point of tangency; thence north fifty-three degrees twenty-two minutes thirty-one seconds ($53^{\circ} 22' 31''$) west a distance of six hundred four and eighty one-hundredths (604.80) feet; thence north along a line which is parallel to the east margin of Fifteenth avenue northeast, a distance of one hundred twenty-nine and sixty-three one-hundredths (129.63) feet; thence north fifty-three degrees twenty-two minutes thirty-one seconds ($53^{\circ} 22' 31''$) west a distance of five hundred nine and forty-seven one-hundredths (509.47) feet to the beginning of a curve to the right having a uniform radius of fifty (50) feet; thence northwesterly along the arc of said curve a distance of forty-seven and twenty one-hundredths (47.20) feet to a point of tangency on the east margin of Fifteenth avenue northeast; thence south along said east margin a distance of ninety-five and fifty-seven one-hundredths (95.57) feet; thence northeasterly along the arc of a curve to the right having a uniform radius of twenty (20) feet a distance of forty-three and ninety-three one-hundredths (43.93) feet to a point of tangency; thence south fifty-three de-

grees twenty-two minutes thirty-one seconds ($53^{\circ} 22' 31''$) east a distance of four hundred thirty-four and eighteen one-hundredths (434.18) feet; thence south along a line which is parallel to the east margin of Fifteenth avenue northeast a distance of ninety-eight and seventy-seven one-hundredths (98.77) feet; thence north fifty-three degrees twenty-two minutes thirty-one seconds ($53^{\circ} 22' 31''$) west a distance of four hundred forty-seven and eighty-three one-hundredths (447.83) feet to the beginning of a curve to the right having a uniform radius of fifty (50) feet; thence northwesterly along the arc of said curve a distance of forty-seven and twenty one-hundredths (47.20) feet to a point of tangency on the east margin of Fifteenth avenue northeast; thence south along said margin a distance of one hundred twenty-six and forty-four one hundredths (126.44) feet; thence northeasterly and easterly along the arc of a curve to the right having a uniform radius of fifty (50) feet, a distance of one hundred nine and eighty-eight one-hundredths (109.88) feet to a point of tangency; thence south fifty-three degrees twenty-two minutes thirty-one seconds ($53^{\circ} 22' 31''$) east a distance of one thousand and nine hundred eighty-three and twenty-six one-hundredths (1,983.26) feet to the beginning of a curve to the right having a uniform radius of two hundred seventy-five (275) feet; thence southeasterly along the arc of said curve a distance of two hundred fifty-six and twenty-seven one-hundredths (256.27) feet to a point of tangency; thence south no degrees one minutes six seconds ($0^{\circ} 01' 06''$) west a distance of one hundred eight and ninety-two one-hundredths (108.92) feet to a point on the north line of the right of way of the Lake Washington canal; thence east along said line a distance of one hundred fifty (150) feet to the place of beginning.

Description
continued.

Also a strip of land one hundred and twenty feet in width extending from the east line of section sixteen, produced south, township twenty-five north, range four east, W. M., westerly, to connect with the strip of land heretofore described and herein dedicated for street and boulevard pur-

poses; the south line of said one hundred and twenty foot strip of land shall be located 1,233.35 feet north of the pierhead line running east and west across Union bay in Lake Washington, as established by the United States war department, and said pierhead line produced west.

Also a strip of land one hundred and twenty feet in width, along the east side of section 16, produced south, township 25, north, range 4 east, W. M., extending from the pierhead line as established by the United States war department and extending north 1,233.35 feet.

Dedicate
street.

That certain street as shown in the plat of Lake Washington shore lands across blocks 7 and 8, prepared and filed by the board of state land commissioners and platted by them as a street between the waters of Union bay, Lake Washington, and blocks 7 and 8, is hereby vacated.

SEC. 2. No assessment for the opening, improvement or maintenance of any public street upon the tracts of land above described shall ever be levied, assessed or collected upon any portion of section sixteen (16), township twenty-five (25) north range four (4) east W. M., or upon any portion of blocks seven (7) or eight (8), Lake Washington shore lands.

Right
given city.

SEC. 3. The right and authority is granted to the city of Seattle to permanently extend the necessary slopes of any street or boulevard that may be laid out or improved across the land hereby dedicated beyond the boundaries heretofore described when said streets or boulevards are graded and improved: *Provided further*, That if the improvement herein contemplated is not completed before January 1, 1914, that the right-of-way over blocks 7 and 8 of Lake Washington shore lands shall cease and be vacated and in any event said right-of-way over said shore lands shall cease and be vacated at the end of two years after the time that the waters of Lake Washington are lowered by the construction of the Lake Washington canal and any trestle or bridge constructed on said right-of-way may be removed and destroyed at the end of said time.

In event of
vacating.

SEC. 4. No franchise on any of said streets shall be granted for any steam railroad, and no franchise on any of said streets shall be granted to any electric railway unless the same contains a provision for common user of tracks by others than the grantee under reasonable terms and conditions, and unless such franchise provides for a single five-cent fare with transfer privileges for a continuous ride between any point in said section 16 and any other point within the limits of the city of Seattle, and unless such franchise provide for the construction and maintenance of stations along the line of such railway at such number of convenient places in said section 16 as may be designated by the governing board of the said university.

Franchise
under
conditions.

SEC. 5. That the right-of-way across blocks 7 and 8 of Lake Washington shore lands, dedicated in this bill, is granted on condition that, if there is built upon said right-of-way a wooden structure or trestle, that the same shall be of ornamental design, at least sixty feet in width, and shall be paved with asphalt and lighted with a cluster light system equal in design and efficiency to the street lighting system now installed in that part of the city of Seattle commonly known as Moore's University addition: *Provided*, That under no condition shall any right or franchise be given for the operation of any steam railroad over said right-of-way: *Provided also*, That the board of regents of the state university may, and they are hereby empowered, in consultation with the city of Seattle to agree that the said structure may be of a less width than sixty feet.

Relating
to bridge.

Passed by the Senate February 27, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 95.

[S. B. 247.]

PERMITTING DAMS AND WORKS FOR IRRIGATION AND
POWER PURPOSES.

AN ACT relating to the granting to persons, firms and corporations an easement over, upon and across the beds of the rivers of the State of Washington for the construction and maintenance of dams and works incident thereto for irrigation and power purposes.

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

SECTION 1. There is hereby granted to persons, firms and corporations organized among other things, for irrigation and power purposes, the right to construct and maintain dams and works incident thereto over, upon and across the beds of the rivers of the State of Washington in connection with such power and irrigation purposes, and there is hereby granted to such persons, firms and corporations an easement over, upon and across the beds of such rivers for such purposes. Such easement shall be limited however, to so much of the beds of such rivers as may be reasonably convenient and necessary for such uses. All such dams and works shall be completed within five years after the commencement of construction work upon the same. The rights and privileges granted by this act shall inure to the benefit of such persons, firms or corporations from the date of the commencement of construction work upon such dams and works incident thereto, and such construction work shall be diligently prosecuted to completion, and the rights, privileges and easements granted by this act shall continue so long as the same shall be utilized by the grantees for the purposes herein specified, and the failure to maintain and use such dams and works after the same shall have been constructed, for a continuous period of two years, shall operate as a forfeiture of all the rights hereby granted and the same shall revert to the State of Washington: *Provided*, That nothing in this act shall be construed in such a way as to interfere with the use of

Power and
irrigation
purpose
rights.

Continue
while
utilized.

Revert
to state.

said rivers for navigation purposes, and all of such rights, privileges and easements granted hereby shall be subject to the paramount control of such rivers for navigation purposes by the United States: *And, provided further,* That the use and enjoyment of the grants and privileges of this act shall not interfere with the lawful and rightful diversion of the waters of said rivers by other parties under water appropriations in existence at the time any such persons, firms or corporations shall avail themselves of the benefits and privileges of this act, but no such persons, firms or corporations shall have any right to construct any such dams or works over, upon or across the land between ordinary high water and extreme low water of any river of this state without first having acquired the right to do so from the owner or owners of the lands adjoining the land between ordinary high water and extreme low water over or across which said dam or works are constructed.

Procure
right from
owner.

Passed by the Senate March 1, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 96.

[S. B. 232.]

DEMURRAGE BILL.

AN ACT to amend section 16 of chapter 142 of the Statutes of Washington for the year 1907, entitled, "An act providing for the furnishing of cars to shippers and prescribing the time of loading, transporting and unloading the same, with storage and charges incidental thereto and providing charges and penalties for delay and for the violation of this act and authorizing the railroad commission of Washington to prescribe additional rules and to enforce the same and the provisions of this act," and declaring an emergency.

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

SECTION 1. That section 16 of chapter 142 of the Statutes of Washington for the year 1907, be and the

[Amending
§ 8706,
Rem.-Bal.]

same is hereby amended to read as follows: Sec. 16. Railroad companies shall not discriminate between persons, places or commodities, in storage or demurrage charges. No rebate, fund, draw-back, or other similar device shall be lawful: *Provided*, That this section shall not apply to package freight received in less than carload lots unloaded in depots or warehouses, and upon proof of the violation of this section either and each party to such discrimination, rebate, refund, draw-back or other similar device, shall be fined in any sum not less than one hundred dollars and not exceeding one thousand dollars for each offense to be found by a jury in an action brought therefor: *Provided further*, That nothing in this act contained shall be construed to prevent a railroad company and a shipper agreeing to apply the principles of the so-called average plan in periodical settlements on demurrage: *Provided*, That such average plan agreement shall be open to all shippers alike and that the same shall be submitted to and receive the approval of the railroad commission before the same is placed in operation.

Penalty.

Average
plan.

Emergency.

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

Passed by the Senate March 3, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 97.

[S. B. 248.]

PROVIDING PAYMENT FOR DITCHES FOR DRAINAGE
PURPOSES.

AN ACT providing for the payment of costs and expenses incurred pursuant to an act entitled "An act providing for the establishment and construction of ditches for drainage purposes," approved March 8, 1901, and providing for the re-establishment and reorganization of abandoned ditches and drains as drainage districts.

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

SECTION 1. Where a ditch or drain shall have been in part constructed in compliance with the provisions of an act of the legislature of the State of Washington entitled "An act providing for the establishment and construction of ditches for drainage purpose," approved March 8, 1901, and the work of constructing said ditch or drain shall have ceased before the completion thereof, or for any reason, the county commissioners shall declare said ditch or drain abandoned.

[This refers to §§4226 to 4250, inc., and 4256 to 4267, inc., Rem.-Bal.]

SEC. 2. When any such drainage proceedings shall have been abandoned by the county commissioners they shall, unless a petition shall have been filed within ninety days after such abandonment, as hereinafter provided, order the county engineer to apportion the costs of improvement, so far as constructed, against the lands benefited and like proceedings shall be had for the apportionment and collection of the costs and expenses of constructing said ditch or drain so far as the same shall have been constructed as are provided for the apportionment and collection of costs and expenses when such ditch or drain shall have been completed in accordance with the provisions of the act of March 8, 1901.

Apportion cost.

[See note to Sec. 1, supra.]

SEC. 3. When any ditch or drain shall have been in part constructed pursuant to the provisions of the said act of March 8, 1901, and the same shall have been abandoned as provided herein, a petition may be filed as provided in section 2 of the act of March 20, 1895, and like proceedings shall be had thereon as are provided by said

[Act of 1895 is §§4137 to 4179, inc., Rem.-Bal., with exception of §§4153 and 4154.]

May be extended.

act of March 20, 1895. Said petition shall include only such lots or tracts of land and public or corporate roads or railroads as were included in the schedule filed by the county surveyor in the original proceedings pursuant to chapter 10 of said act of March 8, 1901: *Provided*, That the boundaries of such proposed drainage district may be extended by the board of county commissioners in like manner as is provided for the extending of boundaries in section 3 of the act of March 20, 1895.

Rights and powers conferred.

SEC. 4. When a petition for the establishment and organization of a drainage district shall have been filed as provided herein the same shall be governed by all the provisions of the said act of March 20, 1895, so far as the same are applicable and all rights and powers conferred upon drainage districts established and organized in compliance with said act shall be and are hereby conferred upon drainage districts organized and established in accordance herewith.

Relating to construction.

SEC. 5. When any drainage district shall be established and organized as provided in this act it shall be lawful for such drainage district to use so much of the original ditch or drain as shall have been constructed and to construct such additional ditches or drains as shall be petitioned for and ordered by the board in the course of said proceedings. Upon the completion of said original ditch or drain, the cost of such new ditches or drains, if any, as shall be constructed and expense thereof, together with all costs and expenses lawfully incurred in the partial construction of said original ditch or drain, shall be apportioned against the land in the district established and as assessment made for the payment of the entire sum in accordance with the provisions of the said act of March 20, 1895.

Concurrent.

SEC. 6. Nothing in this act shall be construed so as to amend, change or repeal any of the existing laws relating to dikes and drains but concurrent therewith.

Passed by the Senate March 3, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 98.

[H. B. 282.]

RELATING TO LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns, and repealing certain acts and parts of acts.

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

SECTION 1. *May Provide for Local Improvements.*

Any city or town in this state shall have power to provide for making local improvements and to levy and collect special assessments on property specially benefited thereby, for paying the cost and expense of the same or any portion thereof, as herein provided.

[See Sec. 71 *infra* for schedule of acts repealed.]

Power conferred.

SEC. 2. *May Determine by Charter or Ordinance.*

Any city or town shall have power to determine by charter or ordinance what work shall be done or improvements made at the expense, in whole or in part, of the property specially benefited thereby; and to provide the manner of making and collecting assessments therefor in pursuance of this act.

SEC. 3. *May Provide for Sewer, Drain and Water Systems.*

Any city or town shall have power to provide for the sewerage, drainage and water supply thereof, and to establish, construct and maintain a system or systems of sewers and drains and a system or systems of water supply, within or without the corporate limits of such city or town, and to control, regulate and manage the same.

Water supply and sewerage.

SEC. 4. *May Provide for Protection from Overflow.*

Any city or town shall have power to provide for the protection of such city or town, or any part thereof, from overflow, and to establish, construct and maintain dikes, levees, embankments or other structures and works, or to open, deepen, straighten or otherwise enlarge natural water courses, waterways and other channels, including the acquisition or damaging of lands, rights-of-way, rights and property therefor, within or without the corporate

Provide protection.

limits of such city or town, and to manage, regulate and control the same.

SEC. 5. May Provide for Protection from Fire by Means of Auxiliary Water Systems.

Auxiliary
water system.

Any city or town shall have power to provide for the protection of such city or town, or any part thereof, from fire, and to establish, construct and maintain an auxiliary water system, or systems, or extensions thereof, or additions thereto, and the structures and works necessary therefor or forming a part thereof, including the acquisition or damaging of lands, rights-of-way, rights, property, water rights, and the necessary sources of supply of water for such purposes, within or without the corporate limits of such city or town, and to manage, regulate and control the same.

SEC. 6. Council to Order Improvements.

Council
order im-
provements.

Improve-
ments
enumerated.

Whenever the public interest or convenience may require, the council, or other legislative authority of any such city or town, is hereby authorized and empowered to order the whole or any part of the streets, avenues, lanes, alleys, boulevards, park drives, parkways, public squares, and places within any such city or town to be graded or regraded, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped or otherwise improved, and to order sidewalks, drains, sewers and all sewer appurtenances, culverts, bulkheads, retaining walls, water mains, hydrants or appurtenances, curbing and crosswalks, street lighting systems, auxiliary water systems, dikes and embankments, bridges and trestles and approaches thereto, or other local improvement whatsoever to be constructed, reconstructed, repaired or renewed therein, and to order the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; and to order any and all work to be done which shall be necessary to complete any such improvement; and to levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement.

SEC. 7. *Method of Procedure.*

Whenever any city or town shall make local improvements at the cost and expense, in whole or in part, or property specially benefited thereby, the proceedings for the same shall be had as provided in this act.

SEC. 8. *Resolution or Petition.*

Any such improvement may be ordered only by ordinance of the council, or other legislative body of such city or town, either upon petition or resolution therefor.

Resolution
or petition.

SEC. 9. *Petition.*

In case any such local improvement, the assessment district for which shall not extend beyond the termini of such improvement, shall be initiated upon petition, such petition shall set forth the nature and territorial extent of such proposed improvement, the mode of payment and the fact that the signers thereof are the owners, according to the records in the office of the county auditor, of property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor. If any such property stands in the name of a deceased person, or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be, shall be equivalent to the signature of the owner of the property on such petition.

Area of
limits.

Such petition shall be presented to and filed with the city or town clerk, or with such officer, board or authority as may be designated by charter or ordinance. Upon filing such petition, the officer, board or authority required by charter or ordinance so to do shall ascertain if the facts set forth in said petition are true and shall cause an estimate of the cost and expense of such improvement to be made, and shall transmit the same to the council of such city or town, together with all papers and information in his or their possession touching such improvement, with the estimated cost thereof, and his or their recommendations thereof, together with a description of the

Petition
filed.

boundaries of the district, and a statement of the proportionate amount of the cost and expense of such improvement which should be borne by property within the proposed assessment district and a statement of the aggregate assessed valuation of the real estate exclusive of improvements in said district according to the valuation last placed upon it for purposes of general taxation.

In case such petition shall be found sufficient, such board, officer or authority shall also transmit to the council a diagram or print showing thereon the lots, tracts or parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each such lot, tract or parcel of land or other property.

SEC. 10. *Resolution.*

Any such improvement may be initiated directly by the city or town council by a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the council at the time specified in such resolution; and directing the proper board, officer or authority to submit to the council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate assessed valuation of the real estate, exclusive of improvements, within said district according to the valuation last placed upon it for the purposes of general taxation, together with a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract, or parcel of land or other property. Such resolution shall be published in at least two consecutive issues of the official newspaper of such city or town, the

Diagram
submitted.

Resolution
to improve.

Objections
heard.

Publish
resolution.

date of the first publication to be at least fifteen (15) days prior to the date fixed by such resolution for hearing before the city council: *Provided*, That in any city or town not having an official newspaper, such publication may be made in any newspaper of general circulation published therein, or in case there be no such newspaper, then in a newspaper published in the county in which such city or town is located and of general circulation in such city or town.

SEC. 11. *Diagram Not Conclusive.*

The diagram or print herein directed to be submitted to the council, shall be in the nature of a preliminary determination by such administrative board, officer or authority upon the method and relative estimated amounts of assessments to be levied upon the property specially benefited by such improvement, and shall in no case be constructed as being binding or conclusive in any way upon any such board, officer or authority, in the preparation of the assessment roll for such improvement, or upon the council upon any hearing affecting such roll.

Estimated
amounts of
assessments.

SEC. 12. *Limit of Assessment.*

The council shall have jurisdiction to proceed with any such improvement initiated by petition or resolution: *Provided*, That in any city of the first class it appears from the certificate of the board, officer, or authority designated by charter or ordinance to determine the same that the estimated cost and expense thereof does not exceed fifty per cent. (50%) of the valuation of the real estate, exclusive of improvements thereon, within the proposed improvement district according to the valuation last placed upon it for purposes of general taxation: *Provided*, That this limit may be exceeded when any such improvement shall be petitioned for in the manner provided in section 9 of this act, and such petition shall be signed by the owners of the area within the limits of the proposed improvement district, and shall specify a certain higher percentage up to which the property within such proposed improvement district may be assessed.

Limit of
assessment.

In the absence of fraud or gross mistake, such certificate of such board, officer or other authority shall be final and conclusive.

Computing valuations.

In computing the valuation of such property, any non-assessable property owned by the United States, state, county, city, town, school district or other public corporation, shall be valued at the same rate as assessed property similarly situated.

SEC. 13. *The Improvement District.*

District named.

Every ordinance ordering any improvement mentioned in this act, payment for which shall be made in whole or in part by special assessments, shall establish a local improvement district to be called "Local Improvement District No.," which district shall embrace as near as may be all the property specially benefited by such improvement. Except in the cases herein otherwise specifically provided for, and unless otherwise provided in the ordinance ordering such improvement, such district shall include all the property between the termini of said improvement abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance back from the marginal lines thereof to the center line of the blocks facing or abutting thereon: *Provided*, That in any case such distance back shall be at least ninety (90) feet: *And provided further*, That in case of unplatted property, the distance back shall be the same distance as that included in the assessment of the platted lands immediately adjacent thereto. All property included within said limits of such local improvement district shall be considered and held to be the property and to be all the property specially benefited by such local improvement, and shall be the property to be assessed to pay the cost and expense thereof or such part thereof as may be chargeable against the property specially benefited by such improvement, which cost and expense shall be assessed upon all of said property so benefited in accordance to the special benefits conferred on such property in proportion to

District to include.

Property benefited.

area and distance back from the marginal line of the street, or other public way or area improved. Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against such separate lot, tract, parcel of land or other property within said district be divided into subdivisions or zones paralleling the margin of the street, avenue, lane, alley, boulevard, park drive or parkway, public place or square to be improved, said subdivisions to be numbered respectively first, second, third, fourth and fifth. The first subdivision shall include all the lands within the district lying between the street margins and lines drawn parallel therewith and thirty (30) feet therefrom. The second subdivision shall include all lands within the district lying between lines drawn parallel with and thirty (30) feet and sixty (60) feet respectively from said street margins. The third subdivision shall include all lands within the district lying between lines drawn parallel with and sixty (60) feet and ninety (90) feet respectively from such street margins. The fourth subdivision shall include all lands, if any, within the district lying between lines drawn parallel with and ninety (90) feet and one hundred twenty (120) feet respectively from said street margins. The fifth subdivision shall include all lands, if any, within the district lying between a line drawn parallel with and one hundred twenty (120) feet from said street margin and the outer limit of said local improvement district as hereinbefore described.

Subdivisions.

The rate of assessment per square foot in each subdivision shall be fixed on the basis that the special benefits conferred on a square foot of land in subdivisions first, second, third, fourth and fifth, respectively, are related to each other as are the numbers 45, 25, 20, 10 and 5, respectively, and shall be ascertained in the following manner: The products of the number of square feet in subdivisions first, second, third, fourth and fifth, respectively, and the numbers 45, 25, 20, 10 and 5, respectively, shall be ascertained, and their sum taken, which sum shall be divided into the total cost and expense of such improvement. The

Rate of assessment.

products of the resultant quotient and the numbers 45, 25, 20, 10 and 5, respectively, shall be the separate rates of assessment per square foot for subdivisions first, second, third, fourth and fifth, respectively. The total assessment thus ascertained against each separate lot, tract, parcel of land, or other property within such district shall be entered upon the assessment roll as the amount to be levied and assessed against each such separate lot, tract, parcel of land, or other property.

SEC. 14. *Enlarged District.*

Enlarged
district.

Petition
to state.

Whenever any local improvement shall be of such nature and character that the special benefits resulting therefrom extend beyond the boundaries of the local improvement district hereinbefore described and defined, the council may create an enlarged district, which shall include as near as may be all the property specially benefited by such improvement. In such case, the petition or resolution initiating such improvement shall state that it is proposed to create an enlarged district to pay the whole or a portion of the cost and expense of such improvement and shall specify and describe the boundaries of such enlarged district, and shall specify a fixed amount of the cost and expense of such improvement to be assessed against that portion of the property within such enlarged district, lying between the termini of the proposed improvement and extending back from the marginal lines thereof to the middle of the block on each side thereof, in the mode prescribed in the preceding section hereof, and that such portion of the remainder of such cost and expense, as may not be borne by any general fund, shall be distributed and assessed against all the property included in the remainder of such enlarged district in accordance with special benefits.

Describe
boundaries.

The council in case it shall order such improvement, shall in the ordinance therefor specify and describe the boundaries of such district as defined in such petition or resolution.

SEC. 15. *Trunk Sewers and Water Mains.*

Any city or town shall have power to provide for the construction of trunk sewers, and trunk water mains, and for the payment of all or any part of the cost and expense thereof by the levying and collecting of assessments upon property specially benefited thereby. In any such case the district created to bear such assessment shall be outlined in conformity with topographical conditions, and in case of trunk sewers, shall include as near as may be all the territory which can be sewerred or drained through such trunk sewer and the sub-sewers connected thereto, and in case of trunk water mains, shall include as near as may be all the territory in the zone or district to which water may be distributed from such trunk water main through lateral service and distribution mains and services. In distributing such assessments, there shall be levied against the property lying between the termini of the improvement and back to the middle of the blocks along the marginal lines of the street or areas improved, such amounts as would represent the reasonable cost of a local sewer and its appurtenances, or water main and its appurtenances suited to the requirements of such territory in the mode prescribed in section 13 hereof, and the remainder of the cost and expense of such improvement shall be distributed over and assessed against all of the property within the bounds of said entire district in accordance with the special benefits conferred thereon and in proportion to area.

Sewers and
water mains.

Distributing
assessments.

SEC. 16. *Resolution and Ordinance for Trunk Sewers and Water Mains.*

The council, before ordering the construction of any trunk sewer or trunk water main, shall pass a resolution declaring its intention to order such improvement, which resolution shall set forth the general nature of such improvement, describing the routes along which such trunk sewer, sub-sewer and branches, or trunk water main and laterals is to be constructed, and notifying all persons

Resolution
to improve.

who may desire to object thereto to appear at a meeting of the council at a time specified in such resolution and present their objections thereto, and directing the proper board, officer or authority to report to the council at or prior to the date fixed for such hearing, the estimated cost and expense of such improvement. Such resolution shall be published in all respects the same as provided for the publication of resolutions mentioned in section 10 of this act.

Order by ordinance.

Maps and plans.

The council may order such improvement only by ordinance, which ordinance shall describe the routes along which such improvement is to be constructed, and established and fix the boundaries of the district to be assessed for such improvement. Maps, plans and specifications therefor shall be prepared in such manner as may be prescribed by ordinance, but shall be adopted by ordinance before the contract for such improvement shall be let.

SEC. 17. *Resolution and Ordinance for Dikes, Embankments, Etc.*

Notice to appear.

The council, before ordering the construction of any improvement provided for in section 4 of this act, if the same or any part thereof is to be paid by special assessment as hereinbefore provided, shall first pass a resolution declaring its intention to order such improvement, which resolution shall set forth the general nature of such improvement, the place of commencement and ending thereof, the route to be used, the estimated cost and expense thereof, the boundaries of the special assessment district to be formed, and notifying all persons who may desire to object thereto to appear at a meeting of the council at a time specified in such resolution and present their objections thereto. Such resolution shall be published in all respects as other resolutions provided for in section 10 of this act are required to be published. If protests against such improvement are filed by the owners of property included in said proposed assessment district against such improvement, representing an aggregate amount of two-thirds of the area included in such proposed district, the

council shall not proceed further with the work under such resolution.

The council may order such improvement only by ordinance, which ordinance shall describe the place of commencement and ending of such improvement, the route to be used, shall establish and fix the boundaries of such district and shall adopt the maps, plans and specifications for such improvement. Fix district.

SEC. 18. *Resolution and Ordinance for Auxiliary Water System.*

The council before ordering the construction of any improvement authorized in section 5 herein, shall first pass a resolution declaring its intention to order such improvement, which resolution shall set forth the general nature of such improvement, describing the routes along which such auxiliary water system, or extensions thereof or additions thereto, is to be constructed, specifying the structures or works necessary thereto or forming a part thereof, the estimated cost and expense thereof, the boundaries of the local improvement district to be formed to pay the whole or any portion of such cost and expense, and notifying all persons who may desire to object thereto to appear at a meeting of the council at a time specified in such resolution and present their objections thereto. Such resolution shall be published in all respects as other resolutions provided for in section 10 of this act are required to be published. Estimated cost.

The council may order such improvement only by ordinance, which ordinance shall describe the route to be used, specify the structures or works necessary thereto or forming a part thereof, fix and establish the boundaries of such district, and adopt the maps, plans and specifications for such improvement.

SEC. 19. *Action of Council Conclusive.*

The council may continue the hearing upon any petition or resolution provided for in this act and shall retain jurisdiction thereof until the same be finally disposed of. The action and decision of the council as to all matters passed Conclusive action.

upon by it in relation to any such petition or resolution shall be final and conclusive.

SEC. 20. *The Assessment Lien.*

Assessment
lien.

The charge on the respective lots, tracts, parcels of land and other property, for the purpose of special assessments to pay the cost and expense, in whole or in part of any improvement authorized in this act, when assessed and the assessment roll confirmed by the legislative body of such city or town in the manner therein provided by ordinance, shall be a lien upon the property assessed from the time said assessment roll shall be placed in the hands of the officer authorized by law to collect such assessments. Said lien shall be paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created except a lien for assessments for general taxes.

Superior
lien.

SEC. 21. *The Assessment Roll and Objections Thereto.*

Hear
objections.

Whenever any assessment roll for local improvements shall have been prepared as provided by law, such roll shall be filed with the clerk of such city or town. The council shall thereupon fix a date for hearing upon such roll before the council and direct the clerk to give notice of such hearing and the time and place thereof.

May correct
or revise.

Such notice shall specify such time and place of hearing on such roll, and shall notify all persons who may desire to object thereto to make such objections in writing and to file the same with such clerk, at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, the council will sit as a board of equalization for the purpose of considering such roll, and at such hearing, or hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made *de novo*, as to such body shall appear just and equitable, and then proceed to confirm the same by ordinance.

Such notice shall be published at least five (5) times in the official daily newspaper of such city or town or two (2)

times in the official weekly newspaper of such city or town, or, in the case of any city or town not having an official newspaper, then in such other newspaper designated in section 10 of this act: *Provided*, That at least fifteen (15) days must elapse between the date of last publication thereof and the date fixed for such hearing.

Publish
notice.

The council or other legislative body of such city or town, at the time fixed for hearing objections to the confirmation of said roll, or at such time or times as said hearing may be adjourned to, shall have power to correct, revise, raise, lower, change or modify such roll, or any part thereof, and to set aside such roll and order that such assessment be made *de novo*, as to such body shall appear equitable and just, and then shall confirm the same by ordinance. All objections shall state clearly the grounds of objections; and objections not made within the time and in the manner herein prescribed shall be conclusively presumed to have been waived.

New assess-
ment may
be made.

Whenever any such roll shall be amended so as to raise any assessments appearing thereon, or to include omitted property, a new time and place for hearing, and a new notice of hearing on such roll, as amended, shall be fixed and given as in the case of an original hearing: *Provided*, That whenever any property shall have been entered originally upon such roll and the assessment upon any such property shall not be raised, no objections thereto shall be considered by the council or by any court on appeal, unless such objections be made in writing at, or prior to the date fixed for the original hearing upon such roll.

Objections
in writing.

SEC. 22. *Method of Appeal.*

The decision of the council or other legislative body upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of such city or town and with the clerk of the superior court in the county in which such city or town is situated within ten days after the ordinance confirming

Review by
court.

such assessment roll shall have become effective, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the ordinance confirming such assessment roll, and the record of the council or other legislative body with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such city or town clerk and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall execute and file with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay and, if unsuccessful, to pay all costs to which the city is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three (3) days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the head of the legal department of such city or town, and to the city clerk, that such transcript is filed. Said notice shall state a time (not less than three (3) days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury; and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in cities and towns and

Transcript
furnished.

Bond
executed.

actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court, as in other cases: *Provided, however,* That such appeal must be taken within fifteen (15) days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty (60) days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court, on such appeal may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

Court confirm.

May appeal.

SEC. 23. *Proceedings Conclusive.*

Whenever any assessment roll for local improvements shall have been confirmed by the council or other legislative body of such city or town as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the council upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this act, and not appealing from the action of the council in confirming such

Proceedings conclusive.

assessment roll in the manner and within the time in this act provided. No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds (1) that the property about to be sold does not appear upon the assessment roll, or (2) that said assessment has been paid.

May use
injunction.

SEC. 24. *Time of Payment, Interest, Penalty.*

Any city or town shall prescribe by ordinance within what time such assessments, or installments thereof, shall be paid; and shall provide for the payment and collection of interest thereon, at a rate not to exceed eight per cent. per annum. Assessments or installments thereof, when delinquent, in addition to such interest shall bear such penalty not less than five per cent. as shall be by general ordinance prescribed. Interest and penalty shall be included in, and shall be a part of, the assessment lien. All local assessments becoming a lien upon any property in any city or town after this act shall become effective, shall be collected by the treasurer of such city or town, and all such liens shall be enforced in the manner herein prescribed: *Provided*, That in cities and towns other than cities of the first class, delinquent assessments, or delinquent installments thereof, shall be certified to the treasurer of the county in which such city or town is situate and by him entered upon the general tax rolls and collected as other general taxes are collected. The county treasurer shall remit to the city treasurer on the tenth of each month all sums so collected. All local assessments becoming a lien upon any property in any such city or town prior to the date this act shall become effective, shall be collected and such liens enforced in accordance with the laws in force and effect prior to the taking effect of this act: *Provided*, That in the enforcement of any such liens, any city or town may proceed under the

Interest
rate.

Lien on
property.

Date of
remittance.

provisions of this act, unless such proceedings shall have been already commenced.

SEC. 25. *Sale for Delinquent Assessments.*

Any city or town may by general ordinance provide for the sale of property described in any local assessment roll, after the assessment or any installment thereof shall have become delinquent, whether any such assessment became a lien after this act becomes effective, or prior thereto, for the amount of such delinquent assessment, or installment, together with penalty and interest accruing to date of sale, and for the costs of such sale; and for the execution and delivery by the treasurer of such city or town of certificates of sale to the purchaser, and for the execution by such treasurer of an assessment deed to the person thereunto entitled.

Delinquent
assessments.

The treasurer shall give notice of such sales by publishing a notice thereof once a week for three consecutive weeks in the official newspaper of the city or town, or, in the case of any city or town not having an official newspaper, then in such newspaper specified in section 10 of this act. Such notice shall contain a list of all property upon which such assessments are delinquent with the amount of the assessments, interests, penalties and costs to date of sale, including the cost of advertising such sale, together with the names of the owners of such property, or the words "Unknown Owners," as the same may appear upon said assessment roll, and shall specify the time and place of sale, and that the property therein described will be sold to satisfy the assessments, interests, penalties and costs, due upon the same. All such sales shall be made between the hours of ten o'clock a. m. and four o'clock p. m. and shall take place at the front door of the building in which the city or town council holds its sessions. Such sale shall be continued from day to day, omitting Sundays and legal holidays, until all the property described in said assessment roll on which any such assessment, or installment thereof, is delinquent and unpaid, is sold. All such sales shall be public, and each lot, tract or parcel of land, or other property,

Publish
notice.

Hours of
sale.

shall be sold separately and in the order in which the same appears upon the assessment roll, commencing at the beginning thereof.

Relating
to sale.

All lots, tracts and parcels of land and other property sold for delinquent and unpaid local assessments, shall be sold to the first person at such sale offering to pay the amount due on each such lot, tract or parcel of land or other property. If there be no bidder for any lot, tract or parcel of land, or other property, for a sum sufficient to pay the delinquent and unpaid assessments thereon, or installment thereof, with interest, penalty and costs, the treasurer shall strike the same off to the city or town for the whole amount which he is required to collect by such sale. If any bidder to whom any property is stricken off at such sale does not pay the assessment, interest, penalty and costs before ten o'clock a. m. of the day following the day of such sale, such property must then be resold, or if the assessment sale is closed, be deemed to have been sold to the city or town, and a certificate of sale shall be issued to the city or town therefor.

SEC. 26. *Return of Sale.*

Return
of sale.

Within fifteen days after the completion of the sale of all property described in such assessment rolls, and authorized to be sold as aforesaid, the treasurer must make return to the comptroller, or other officer by whom the warrant was issued for such sale, with a statement of his action thereon, showing all the property sold by him, to whom sold and the sums paid therefor.

SEC. 27. *Certificate of Sale.*

Certificate
of sale.

After receiving the amount of the assessment, penalty, interest, costs and charges, the treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the assessment roll, a description of the land or other property sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the names of the streets, or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser

will be entitled to a deed two years from the date of sale, unless redemption thereof be made. Such certificate shall be signed by the treasurer, and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the county auditor in which the lands or other property is situated within three months from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent purchasers and incumbrancers for value and in good faith who become such while the same is unrecorded.

Date for
deed.

The city or town comptroller, if there be such officer, and if not then the city or town clerk, shall be the custodian of all certificates for property sold to the city or town and shall at any time within two years from the date of such certificate, and before redemption of the property therein described, sell and transfer any such certificate to any person who will present to him the treasurer's receipt evidencing payment to the treasurer of the amount for which the property therein described was stricken off to the city, with interest subsequently accrued to date of such payment thereon, and such comptroller or clerk may, if so authorized by the council, sell and transfer any such certificate in like manner after the expiration of such period of two years from the date of the certificate.

Custodian of
certificates.

SEC. 28. *Redemption Fund.*

All moneys collected by the treasurer upon any assessments under this act shall be kept as a separate fund, to be known as "Local Improvement Fund, District No.—" and shall be used for no other purpose than the redemption of warrants and bonds drawn or issued upon or against said fund.

Redemption
fund.

SEC. 29. *Liability of Treasurer.*

If the treasurer shall receive any moneys for assessments, giving a receipt therefor, for any property and afterward return the same as unpaid, or shall receive the same after making such return, and the same be sold for assessment which has been so paid and receipted for by himself, his clerk, assistant or deputy, he and his bond shall be liable to

Liability of
treasurer.

the holder of the certificate given to the purchaser at the sale for the amount of the face of the certificate, and legal interest to be demanded within two years from the date of sale and recovered in any court having jurisdiction of the amount, and the city shall in no case be liable to the holder of such certificate.

SEC. 30. *Record of Payment.*

Record of
payment.

Whenever before the sale of any property the amount of any assessment thereon, with interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid, with the date of payment thereof on the assessment roll, and whenever after the sale of any property for any assessments the same shall be redeemed, he shall thereupon enter the same redeemed with the date of such redemption on such record. Such records shall be made on the margin of the record opposite the description of such property.

SEC. 31. *Property Held in Trust.*

Property
held in
trust.

Whenever any property shall be bid in by any city or town or be stricken off to any city or town under and by virtue of any proceeding or proceedings provided in this act said property shall be held in trust by said city or town for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold, to the extent of the amount of the assessment or installment for which said property was sold, with penalty, accrued interest, and interest on said installment to time of next call for bonds or warrants: *Provided, however,* Such city or town may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust.

SEC. 32. *Sale of Property Held in Trust.*

Any city or town may at any time after the period of redemption has expired and deeds issued to said city or

town under and by virtue of any proceedings mentioned in this act, sell any such property at public auction to the highest bidder for cash, but no bid shall be accepted for any amount less than the amount set forth in said deed, plus accrued interest to date of sale, computed on the assessment for which said property was sold from the date of the execution of said deed, and all delinquent assessments and taxes that may stand against said property with accrued interest thereon, penalties, costs and other charges, and the said city or town shall pay into said fund for which said property was held in trust so much thereof as shall fully cancel the assessment for which said property was sold, together with all interest thereon.

May sell at auction.

Any such sale shall be had only upon notice setting forth a description of the property to be sold, that the city treasurer will sell such property on the day specified at the front door of the building in which the city or town council holds its sessions, between the hours of ten o'clock a. m. and four o'clock p. m. and continue such sale from day to day, or withdraw such property from sale after the first day if the treasurer in his discretion deems that the interests of the city or town so require. Such notice shall be published at least five times in the official daily newspaper of such city or town, or at least two times in the official weekly newspaper of such city or town, or in the case of any city or town not having an official newspaper then at least two times in such other newspaper mentioned in section 10 of this act: *Provided*, That at least fifteen days shall elapse between the date of last publication of such notice and the day such property is sold.

Notice published.

SEC. 33. *Redemption and Deed.*

Any property so sold for an assessment shall be subject to redemption by the former owner, or his grantee, mortgagee, heir, or other representative at any time within two years from the date of the sale upon the payment to the treasurer for the purchaser of the amount for which the same was sold, with interest at the rate of fifteen per cent. (15) per annum, together with all taxes and special as-

Redemption limit two years.

sessments, interest, penalties, costs and other charges thereon paid by the purchaser of such property at or since such sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid, and the amount thereof, shall be deposited with the city or town treasurer, redemption may be made without including the same. On any such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount so received to the purchaser of the certificate of sale or his assigns. Should no redemption be made within said period of two years, the treasurer shall, on demand of the purchaser or his assigns, and the surrender to him of the certificate of sale, execute to such purchaser or his assigns, a deed for the property therein described: *Provided*, That no such deed shall be executed until the holder of such certificate of sale shall have notified the owners of such property that he holds such certificate, and that he will demand a deed therefor. Said notice shall be given by personal service upon said owners: *Provided*, That in case said parties are non-residents of the state or cannot be found therein after diligent search, then such notice may be given by publication in the official paper of the city or town, or if there be no official paper, then in the manner provided in section 10 of this act, once a week for three successive weeks. Such notice and return thereof, with the affidavit of the person, or in case of a city or town, of the comptroller or clerk, claiming such deed, showing that such service was made, shall be filed with the treasurer. If, notwithstanding such notice, no redemption be made within sixty days after the date of service, or the date of first publication of such notice, the holder of such certificate of sale shall be entitled to a deed thereon. Such deed shall be executed only for the property described in the certificate, and after payment of all delinquent taxes and special assessments thereon, or installments thereof, and certificates of delinquency or other certificates issued for special or local assessments, whether the same were levied, assessed or issued prior or subsequent to the issuance of said certificates of sale: *Provided*, That any such deed may

Treasurer
issue deed.

Notice by
publication.

be issued to any city or town for the face amount for which said certificate of sale was issued, plus accrued interest, costs, penalties and charges, and shall be held by such city or town subject to the liens of general taxes and special assessments.

May be held by city or town.

The deed shall be executed in the name of the city or town by which the improvement was made; shall recite in substance the matters contained in the certificate of sale, the notice to the owner, and that no redemption has been made of the property within the time allowed by law. The deed shall be signed and acknowledged by the city or town treasurer, as such, and shall be *prima facie* evidence that the property was assessed according to and as required by law; that the assessment was not paid; that the property was sold as required by law; that it was not redeemed; that due notice of demand for deed had been given, and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execution of the deed, and shall convey the entire fee simple title to the property therein described, except as otherwise provided herein for cities and towns, stripped of all liens and claims except assessments for local improvements or installments thereof, not delinquent.

Deed shall show what.

SEC. 34. *Foreclosure.*

Any city or town may proceed with the collection or enforcement of any delinquent assessment, or delinquent installment, whether the same became a lien after this act shall become effective, or prior thereto, by proceedings in court therefor in an action brought in its own name in the superior court in the county in which such city or town is situate. It shall not be necessary to bring a separate suit for each such separate piece or parcel of property delinquent, but all or any part of the property delinquent under any single assessment roll, or assessment district, may be proceeded against in the same action, and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in the action

Foreclosure.

Joined as parties defendant.

to foreclose, and all or any liens for such delinquent assessments, or instalments thereof, may be foreclosed in such proceeding. Such proceeding shall be tried before the court without a jury. In any such proceeding, it shall be sufficient to allege the passage of the ordinance providing such improvement, the making of such improvement, the levying of the assessment, the confirmation thereof, the date of delinquency of such assessment or instalment, and that such assessment was not paid prior to such delinquency or at all. The assessment roll and confirmatory order, or duly authenticated copies thereof shall be *prima facie* evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be on the defendants. In any such action where the owners or parties interested in any particular lot, tract or parcel of land or other property included in such suit shall suffer a default, the court may enter judgment of foreclosure and sale as to such parties and property so in default and order execution thereon, and the action may proceed as to the remaining defendants and property. The judgment of the court shall specify separately the amount of the assessment, or instalment thereof, with interest, penalty and costs, chargeable to the several lots, tracts and parcels of land and other property in such proceedings. Such judgment shall have the effect of a separate judgment as to each lot, tract or parcel of land or other property, described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment, the court shall decree that such lots, tracts, or parcels of land or other property be sold to enforce such judgment and execution shall issue for the enforcement of such decree. Judgment may be entered as to any one or more separate lots, tracts or parcels of land or other property involved in such proceeding, and the court may retain jurisdiction of the case as to the balance. All proceedings supplemental to judgment, including appeal, order of sale, sale, period of redemption and the issuance of deed shall be

Judgment
specify
separately.

Parts of
tracts sold.

had and conducted in accordance with the law, now or hereafter in force, relating to property sold under or upon foreclosure of real estate mortgages.

SEC. 35. *Enforcement of Subsequent Liens Authorized.*

When the assessment upon property is payable in instalments, the enforcement of the lien of any instalment by any method herein authorized shall not prevent the enforcement of the lien of any subsequent instalment by any method herein authorized when the same may become delinquent.

Enforcement
of lien.

Any such city or town may provide by general ordinance that, upon failure to pay any instalment when due, the entire assessment shall become due and payable and the collection thereof enforced in the manner prescribed.

SEC. 36. *Certificates of Delinquency.*

Any city or town may, by general ordinance, provide for the issuance of certificates of delinquency for any and all delinquent assessments, or instalments thereof, heretofore or hereafter levied, and any penalty and interest thereon to date of issuance. Such certificates of delinquency shall constitute a lien against the property upon which such assessments were levied, and shall bear interest from the date of issuance thereof at the rate of fifteen per cent. (15%) per annum, and may be foreclosed after two years from the date of their issuance in the same manner and with the same effect as mortgages upon real estate are foreclosed. Such certificates may be issued to the city, or may be sold to any person applying therefor. They may be assigned in writing, and the city may sell and assign any and all certificates which may be issued to it upon the payment of the value thereof in principal and accrued interest, in cash. Such certificate shall be *prima facie* evidence that the land against which the same was issued was subject to the assessment at the time the same was assessed, that the property was assessed as required by law, and that the assessment, or instalment thereof, was not paid prior to the issuance of such certificate.

Certificate of
delinquency.

Certificates
may be
assigned.

No such certificate of delinquency shall be issued upon any property for any assessment or instalment thereof dur-

ing the pendency of any proceedings in court affecting such assessment or instalment thereof.

SEC. 37. *Omitted Property.*

Omitted
property.

Whenever by mistake, inadvertence or for any cause property otherwise subject to assessment, within any assessment district, heretofore or hereafter created, shall have been omitted from the assessment roll for such improvement, the council or other legislative body of such city or town may, upon its own motion or upon the application of the owner of any property within such district charged with the lien of an assessment for such improvement, proceed to assess such omitted property for such improvement, in accordance with the special benefits accruing to such omitted property by reason of such improvement and in proportion to the assessments levied upon other property in such district.

Set forth by
resolution.

In any such case, the council or other legislative body shall first pass a resolution setting forth that certain property therein described was omitted from such assessment, and notifying all persons who may desire to object thereto to appear at a meeting of the council or other legislative body of such city or town at a time specified in such resolution and present their objections thereto, and directing the proper board, officer or authority to report to such council at or prior to the date fixed for such hearing the amount which should be borne by each such lot, tract or parcel of land or other property so omitted, which resolution shall be published in all respects as other resolutions provided for in section 10 hereof. At the conclusion of such hearing or any adjournment thereof, the council shall consider the matter as though the property had been included upon the original roll, and may confirm the same or any portion thereof by ordinance. Thereupon such roll of omitted property shall be certified to the treasurer for collection as other assessments.

Resolution
published.

SEC. 38. *Fees for Issuance of Certificates and Deeds.*

Fees.

The city or town treasurer shall charge for the issuance of each certificate of sale and each certificate of delinquency the sum of fifty cents; for each deed the sum of one dollar.

SEC. 39. *Lien of Purchaser.*

The purchaser at any sale authorized in this act acquires a lien on the property so bid in by him for the amount paid by him at such sale as well as for all taxes and delinquent assessments, or delinquent instalments thereof, and certificates of delinquency, and all interest, penalties, costs and charges thereon whether levied previously or subsequently to such sale, and whether for state, county, city or town purposes, subsequently paid by him on such property, and shall be entitled to interest at the rate of fifteen per cent. per annum on the original amount paid by him from the date of said sale and upon such subsequent payments from the date of the payment of the respective amounts.

Lien of purchaser.

SEC. 40. *Local Assessments to Be Included in Certificates of Delinquency for General Taxes.*

The holder of any certificate of delinquency for general taxes shall, before commencing any action to foreclose the lien of such certificate pay in full all local assessments or instalments thereof outstanding against the whole or any portion of the property included in such certificate of delinquency, or, he may elect to proceed to acquire title to such property subject to certain or all local assessments a lien thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If such holder shall pay such local assessments, he shall be entitled to fifteen per cent. interest per annum on the amount of the delinquent assessments or delinquent instalments thereof so paid, from date of payment.

Holders of certificates proceed how.

Per cent. allowed.

In any action to foreclose any lien for general taxes upon any property a copy of the complaint shall be served on the treasurer of the city or town within which such property is situate within five days after such complaint is filed. In any case where any property shall be struck off to or bid in by the county at any sale for general taxes, and such property shall subsequently be sold by the county, the proceeds of such sale shall first be applied to discharge in full the lien or liens for general taxes for which the same was sold, and the remainder, or such portion thereof as may be

Surplus, how
distributed.

necessary, shall be paid to the city to discharge all local assessment liens upon such property, and the surplus, if any, shall be distributed among the proper county funds.

SEC. 41. *Limitation of Actions.*

Limitation
of actions.

An action to collect any special assessment or instalment thereof for local improvements of any kind, or to enforce the lien of any such assessment or instalment, whether such action be brought by a municipal corporation or by the holder of any certificate of delinquency, or by any other person having the right to bring such action, shall be commenced within ten years after such assessment shall have become delinquent, or within ten years after the last instalment of any such assessment shall have become delinquent when said special assessment is payable in instalments.

SEC. 42. *Reassessments Authorized.*

Re-assess-
ments.

Enforce
collection.

In all cases of special assessments for local improvements, wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality, or irregularity or non-conformance with the provisions of law, charter or ordinance governing such assessments in any city or town, the council of any such city or town shall have power to re-assess such assessments and to enforce their collection in accordance with the provisions of law and ordinance existing at the time the re-assessment is made. Whenever, on account of any mistake, inadvertence or other cause, the amount assessed shall not be sufficient to pay the cost and expense of the improvement made and enjoyed by the owners of property in the assessment district where the same is made, the council of such city or town is authorized and directed to make re-assessments on all the property in said assessment district to pay for such improvement; such assessment to be made in accordance with the provisions of law and ordinance existing at the time of its levy. Any city or town is hereby authorized to assess or re-assess all property which the council shall find to be specially benefited to pay the whole or any portion of the cost and expense of any local improvement which such

Re-assess
for what.

city or town has heretofore made, is now making, or may hereafter make at the expense in whole or in part of property specially benefited thereby, whether or not such property so to be assessed or re-assessed abuts upon, is adjacent to, or proximate to such improvement, or was included in the original assessment district; and the right to so assess all property so found to be specially benefited shall also apply to any supplemental assessment or re-assessment which such city or town may find it necessary to make for the purpose of providing for any deficiency in any local improvement district fund caused by the invalidity of any portion of the original assessment in such improvement district, or where for any cause the amount originally assessed shall not be sufficient to pay the cost of the improvement.

Providing
for defi-
ciency.

Whenever any assessment for any local improvement in any city or town, whether the same be an original assessment, assessment upon omitted property, supplemental assessment or re-assessment, heretofore or hereafter made, has been or may hereafter be declared void and its enforcement [refused] by any court, or for any cause whatever has been heretofore or hereafter may be set aside, annulled or declared void by any court, either directly or by virtue of any decision of such court, the council of such city or town shall make a new assessment or reassessment upon the property which has been or will be benefited by such local improvement, based upon the actual cost of such improvement at the time of its completion.

If void or
set aside.

SEC. 43. *Reassessment Ordinance.*

The city council of any city or town shall proceed with any assessment authorized in the preceding section by passing an ordinance ordering the same, and directing the preparation of an assessment roll therefor, which roll may include any property specially benefited by such improvement, whether or not the same was included in the original assessment district. Such additional property when so assessed shall become a part of the local improvement district theretofore created, or attempted to be created, to provide a fund to pay for said improvement, and all payments of as-

Re-assess-
ment ordi-
nance.

assessments so ordered shall be paid into and become a part of the local improvement fund provided to pay for said improvement.

Not prevent
assessment.

The fact that the contract has been let or that such improvement shall have been made and computed in whole or in part shall not prevent such assessment from being made, nor shall the omission, failure or neglect of any officer or officers to comply with the provisions of law, the charter or ordinances governing such city or town, as to petition, notice, resolution to improve, estimate, survey, diagram, manner of letting contract or execution of work, or any other matter whatsoever connected with the improvement and the first assessment thereof, operate to invalidate or in any way affect the making of any assessment authorized in the preceding section: *Provided*, That such assessment shall be for an amount which shall not exceed the actual cost and expense of the improvement, together with the accrued interest thereon, it being the true intent and meaning of this act to make the cost and expense of local improvements payable by the property specially benefited thereby, notwithstanding the proceedings of the council, board of public works or other board, officer or authority of such city or town may be found irregular or defective, whether jurisdictional or otherwise; when such assessment is completed, all sums paid on the former attempted assessment shall be credited to the property on account of which the same were paid.

Expense
borne by
property
benefited.

In any case where any property within the original local improvement district shall not be affected by any assessment authorized in the preceding section, such property need not be entered upon such assessment roll.

Notice
given.

After the certification of any such roll to the treasurer of any such city or town for collection, the same length of time for payment of the assessments appearing thereon, without the imposition of any penalties or interest, and the notice that such assessments are in the hands of the treasurer thereof for collection, shall be given as in the case of an original assessment, and after delinquency such penalty and interest shall be charged as in cases of original assess-

ment: *Provided*, That in all cases where the original assessment for the improvement was payable in instalments, the new assessment, after delinquency, may be divided into such equal instalments and made payable at such times as the council in the ordinance ordering such new assessment, may prescribe.

SEC. 44. *Procedure in Case of Reassessment.*

All the provisions of this act relating to the filing of assessment rolls, time and place of hearing thereon, notice of such hearing, the hearing upon such roll, and the confirmation thereof, the time when such assessments shall become a lien upon the property assessed, the proceedings on appeal from any such assessment, the method of collecting such assessments and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of assessments authorized in section 42 of this act as in the case of an original assessment.

SEC. 45. *Time Within Which Re-Assessments Must Be Made.*

No city or town shall have jurisdiction to proceed with any re-assessment or supplemental assessment unless the ordinance ordering the same shall be passed by the council or other legislative body of such city or town within ten years from and after the time the original assessment for any such improvement was finally held to be invalid, insufficient or for any cause set aside, in whole or in part, held void or its enforcement denied directly or indirectly by the courts; or, in the case of supplemental assessments, from and after the time that it was finally determined that the total amount of the valid assessments levied and assessed on account of any such improvement was insufficient to pay the whole or that portion of the cost and expense thereof to be paid by special assessment.

SEC. 46. *May Issue Bonds.*

The city council or other legislative body or any city or town may, in their discretion, provide by ordinance for the payment of the whole or any portion of the cost and ex-

pense of any local improvement authorized by law, by bonds of the improvement district, which bonds shall be issued to the contractor, or be issued and sold as herein provided.

SEC. 47. *Method of Issuance of Bonds.*

Such bonds shall be issued only in pursuance of ordinances of the city or town issuing the same, and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of the issue of such bonds, which latter date may be fixed by resolution, by council or other legislative body of said city or town and shall bear such interest as may be provided in such ordinance, not exceeding eight per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by ordinance, and each bond shall have attached thereto interest coupons for each interest payment. Such bonds shall be in such denominations as shall be provided in the ordinance ordering their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon a fac-simile of the signatures of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance ordering the same, each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

SEC. 48. *Sale of Bonds.*

The bonds issued under the provisions of this act or such portion of such bonds as may remain unsold if same is ordered as hereinafter provided may be issued to the contractor constructing the improvement in payment thereof, or the ordinance directing the issue of such bonds may provide that the same may be sold by some authorized officer

Ten-year
limit.

Interest
coupons.

Bond limit.

Sale of
bonds.

or officers of the city, in the manner prescribed therein, at not less than their par value and accrued interest, and that the proceeds thereof shall be applied in payment of the cost and expense of the improvement.

SEC. 49. *Assessments Payable in Instalments.*

In all cases where any city or town shall issue bonds as provided in this act to pay the cost and expense of any local improvement, the said cost and expense shall be assessed against the lots, tracts, and parcels of land and other property, which under the provisions of law and the charter and ordinances of such city or town shall be liable therefor, but the ordinance levying such assessment shall provide that the sum charged thereby against each such lots, tracts, and parcels of land and other property or any portion of such sum may be paid during the thirty (30) day period provided for in section 50 of this act, and that thereafter the sum remaining unpaid may be paid in equal annual instalments; the number of which instalments shall be equal to the number of years which the bonds issued to pay for the improvement may run, with interest upon the whole unpaid sum so charged at a rate fixed by said ordinance, and each year thereafter one of such instalments together with the interest due thereon and on all instalments thereafter to become due shall be collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued. .

Assessments,
when paid.

SEC. 50. *Notice of Collection of Assessment.*

The owner of any lot, tract or parcel of land or other property charged with any such assessments may redeem the same from all or any portion of the liability for the contract price of such improvement by paying the entire assessment or any portion thereof charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment, which notice shall be given as follows: The city or town treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city

Notice of
collection.

Publish
notice.

for ten consecutive daily or two consecutive weekly issues, that the said roll is in his hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty days from the date of the first publication of said notice without penalty, interest or costs. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. The owner of any such lot or parcel of land may redeem the same from all liability for the unpaid amount of said assessment at any time after said thirty days by paying the entire instalments of said assessment remaining unpaid and charged against such lot or parcel at the time of such payment, with interest thereon to the date of the maturity of the instalment next falling due. In all cases where any sum is paid as herein provided the same shall be paid to the city treasurer, or to the officer whose duty it is to collect said assessments, and all sums so paid shall be applied solely to the payment of the cost and expense of such improvements or the redemption of the bonds issued therefor.

Owner may
redeem.

SEC. 51. *Remedy of Bondholder.*

Remedy of
bondholder.

If the city or town shall fail, neglect or refuse to pay said bonds or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five per centum, together with the cost of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs and any number of owners of the property on which the same are a lien may be joined as defendants in such suit.

SEC. 52. *Remedy of Bondholder Confined to Enforcement of Assessment.*

Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from

the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on each bond so issued.

Limit of claim.

SEC. 53. *Exchange of Bonds, When Authorized.*

Whenever any city has heretofore issued bonds for the purpose of paying the cost and expense of local improvements, or has sold such bonds and paid such cost and expense from the proceeds thereof, such city may, with the consent of the holders of such bonds, exchange for them bonds authorized by this act.

Exchange of bonds.

SEC. 54. *Interest on Bonds, Call of Bonds.*

The city or town treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds: *Provided*, That such bonds shall be called in and paid in their numerical order: *Provided, further*, That such call shall be made by publication in the city or town official newspaper in its first publication following the delinquency of the installment of the assessment or as soon thereafter as is practicable, and shall state that bonds No. (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on said bonds shall become due, and interest on said bonds shall cease upon such date.

Treasurer make call.

SEC. 55. *Items of Cost.*

Whenever any local improvement herein authorized shall be ordered, there shall be included in the cost and expense thereof to be assessed against the property specially benefited by such improvement and included in the district created to pay the same, or any part thereof, the cost of that portion of said improvement included within the limits of

Items of cost.

any street intersection space or spaces, the estimated cost and expense of all engineering and surveying necessary for said improvement to be done by and under the direction of the city or town engineer, ascertaining the ownership of the lots or parcels of land included in the assessment district, advertising, mailing and publishing all notices required to be advertised, published or mailed, accounting and clerical labor, books and blanks expended or used by the city or town comptroller and the city or town treasurer in connection with said improvement.

Cost items.

SEC. 56. *Assess Tideland Leases as Realty.*

For the purposes of local assessment, all leases of tide lands owned in fee by the State of Washington shall be, and the same are hereby declared to be, real property.

Tideland leases.

SEC. 57. *Parkways, Parkdrives and Boulevards.*

Any city or town council upon request of the board of park commissioners, shall have authority to designate such streets as they may see fit as parkways, park drives, and boulevards, and to transfer all the care, maintenance and improvement of the surface thereof to the board of park commissioners, or to such authority of such city or town as may have the care and management of the parks, parkways, boulevards and park drives of the city.

Designate parkways and drives.

Any city or town may acquire, either by gift, purchase or the right of eminent domain, the right to limit the class, character and extent of traffic that may be carried on such parkways, park drives and boulevards, and to prescribe that the improvement of the surface thereof shall be made wholly in accordance with plans of such board of park commissioners, but that the setting over of all such streets for such purposes shall not in any wise limit the right and authority of the city council to construct underneath the surface thereof any and all public utilities nor to deprive the council of the right to levy assessments for special benefits. In the construction of any such utilities, any damages done to the surface of such parkways, park drives or boulevards shall not be borne by any park funds of such city or town.

Damages, how paid.

SEC. 58. *Assessment for Park Drives, Parkways and Boulevards.*

Whenever the management and control of the park drives, parkways and boulevards of any city or town shall be vested in a board of park commissioners or other similar authority of such city or town, the council of any such city or town may, upon request of such board or other similar authority therefor specifying the particular park drives, parkways or boulevards, or portions thereof, to be improved, and the nature of such improvement, pass an ordinance providing for the improvement thereof, which ordinance shall be based either upon a resolution or a petition as hereinabove provided. Any such city or town shall have the same power to provide for making such local improvements and to levy and collect special assessments on property benefited thereby, and for paying the same or any portion thereof as in the case of other local improvements: *Provided*, That the plans and specifications for such improvements shall, before their adoption, be submitted to and approved by such board of park commissioners, or other similar authority of such city or town.

Park commissioners.

Plans to be approved.

SEC. 59. *Work to Be Done by City or Contract.*

All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited, shall be made either by the city or town itself, or by contract upon competitive bids. The board, officer or authority charged with the duty of letting contracts for local improvements shall determine whether such local improvement shall be done by contract, or by the city itself. The city or town shall have power to reject any and all bids.

Work by city or contract.

SEC. 60. *General Ordinance.*

The council of each city and town shall pass such general ordinance or ordinances as may be necessary to carry out the provisions of this act. Thereafter all proceedings relating to local improvements shall be had and conducted in accordance with this act, and the ordinances of such city or town relating to local improvements.

General ordinance.

SEC. 61. *Validation of Local Improvement Assessments.*

Validation.

Whenever the city or town council of any city or town within this state has made, or shall hereafter make any assessment against property within any local improvement district for any purpose authorized in this act and has in making such assessment acted in good faith and without fraud or shall hereafter act in good faith and without fraud the said assessment shall be valid and enforceable as such and a lien upon the property upon which the same purports to be a lien; and it shall be no objection to the validity thereof that the contract for such improvement was not awarded in the manner or at the time required by law, nor shall it be any objection to the validity of such assessment that the same was made by an unauthorized officer or person, if the same shall have been confirmed by the city or town authorities, of such city or town, nor; shall it be any objection to the legality of such assessment that the same is based upon a front foot basis, or upon a basis of benefits to the property within such district unless it shall be made to appear that the city or town authorities did not act in good faith and did not attempt to act fairly in regard thereto, or unless it shall be made to appear that the city or town authorities acted fraudulently or oppressively in making such assessment; and all assessments heretofore or hereafter made which are made by the city or town authorities in good faith are hereby declared to be valid and in full force and effect, and to be collectible in the manner which is now or may hereafter be provided by law for the collection of assessments for the purposes specified in this section.

Must show cause.

SEC. 62. *Assessments Paid by Joint Owner.*

Joint owner.

Whenever any local assessment, or instalment thereof, shall be paid, or any certificate of sale therefor be redeemed, or any judgment therefor be paid by any joint owner of any property assessed for any local improvement, such joint owner may, after demand and refusal, by an action brought in the superior court, recover from each of his co-owners the respective amounts of such payment which each such co-owner should bear, with interest thereon at ten per

cent. per annum from the date of such payments, and costs of the action, and the joint owner making such payment shall have a lien upon the undivided interests of his co-owners in and to such property from date of such payment.

Interest
rate.

SEC. 63. *City or Town May Purchase at Tax Sales.*

Whenever any property situate in any city or town shall be offered for sale for general taxes, the city or town within which such property is situate shall have power to protect the lien or liens of any local assessments outstanding against the whole or any portion of such property by purchase or otherwise.

City may
purchase.

SEC. 64. *Proceedings in Case of Consolidated Cities.*

The city council of any city which is composed of two or more cities or towns which have been or may hereafter be consolidated, as provided by law, shall have power to make and pass all necessary ordinances, orders and resolutions for any assessment where the improvement has been made or was being made by any such former city or town prior the consolidation thereof, and to fully carry out and enforce the provisions of this act.

If cities
consolidate.

SEC. 65. *Assessments Paid in Error.*

Whenever, through error or inadvertence, any person shall pay any local assessment, or installment thereof, upon the lands of another, such payor, may, after demand and refusal, by an action in the superior court, recover from the owner of such lands the amount so paid, and costs of the action.

Error.

SEC. 66. *Vote Required on Ordinances.*

No ordinances mentioned in this act shall be considered passed unless they shall have received the affirmative vote of at least a majority of the members of the council or other legislative body of such city or town: *Provided*, That in cities of the first class the vote required for the passage of any such ordinances shall be subject to such further limitations as may be prescribed in the charter of any such city: *Provided*, That in any city or town, other than cities of the first class, no ordinance providing for any improvement herein authorized shall be effective over the written

Vote
required.

Not effective,
when.

objection or objections of the owners of a majority of the lineal frontage and of the area within the limits of the proposed improvement district filed with the clerk of any such city or town prior to the final passage of such ordinance unless such ordinance shall receive the affirmative vote of at least two-thirds of all the members of the council or other legislative body of such city or town.

SEC. 67. *Act to Apply to All Cities and Towns.*

Application. The provisions of this act shall apply to all incorporated cities and towns in this state, including unclassified cities and towns operating under special charters.

SEC. 68. *Word Council Construed.*

Council construed. Whenever the words city council or town council are used in this act, they shall be construed to mean the council or other legislative body of such city or town. Whenever the word mayor is used in this act, it shall be construed to mean the presiding officer of said city or town.

SEC. 69. *Act to Be Liberally Construed.*

Construction of act. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act, but the same shall be liberally construed for the purpose of carrying out the objects for which this act is intended.

SEC. 70. *Saving Clause.*

Saving clause. Any acts or parts of acts herein repealed, which are re-enacted in form or in substance in this act shall not be construed as new enactments but as continuations and amendments of such acts or parts of acts.

Former acts upheld. All rights of action under existing laws which this act in any way supersedes or repeals, if the same at the time of taking effect of this act shall not have been commenced, shall proceed under the provisions of this act. All actions and proceedings, which may be pending in court under existing laws which this act in any way supersedes or repeals, shall proceed without being in any manner affected by the passage of this act. All proceedings commenced by any city or town before the taking effect of this act, relating to the making of any local improvement, shall proceed without

being in any manner affected by the passage of this act, except as provided in Sec. 24 of this act.

SEC. 71. *Acts Repealed.*

This act shall supersede the provisions of the charter of any city of the first class inconsistent herewith. All acts and parts of acts enumerated in the following schedules, and all acts and parts of acts in conflict with the provisions hereof, are hereby repealed. Acts re-pealed.

SCHEDULE OF ACTS REPEALED.

Laws of Washington, 1889-1890: Sections 124 and 161 of an act entitled, "An act providing for the organization, classification, incorporation and government of municipal corporations, and declaring an emergency," approved March 27, 1890 (section 161 of said act being designated "191" in the Session Laws.) Repealed schedule.

Laws of Washington, 1891, chapter 160.

Laws of Washington, 1893, chapters 95, 96 and section 5 of chapter 70.

Laws of Washington, 1895, chapters 114, 155.

Laws of Washington, 1897, chapters 51, 110, 111.

Laws of Washington, 1899, chapters 68, 124, 126, 146.

Laws of Washington, 1901, chapters 47, 77, 113, 118.

Laws of Washington, 1903, chapters 27, 82, 124.

Laws of Washington, 1905, chapters 120, 144, 150.

Laws of Washington, 1907, chapters 70, 71, 179, 182, and sections 38 to 51, both inclusive, of chapter 241.

Laws of Washington, 1909, chapters 26, 60, 71, 88, 191.

SCHEDULE OF SECTIONS OF REMINGTON AND BALLINGER'S
ANNOTATED CODES AND STATUTES OF WASHINGTON
REPEALED.

Sections 7513, 7514, 7515, 7516, 7529, 7530, 7531, 7532, 7533, 7534, 7535, 7536, 7537, 7538, 7539, 7540, 7541, 7542, 7543, 7544, 7545, 7546, 7547, 7548, 7549, 7550, 7551, 7552, 7553, 7554, 7555, 7556, 7557, 7558, 7559, 7560, 7561, 7562, 7563, 7564, 7565, 7566, 7567, [These include all acts specifically named in the fore part of this section.]

7568, 7568½, 7569, 7570, 7571, 7572, 7573, 7574, 7575, 7576, 7577, 7578, 7621, 7622, 7623, 7624, 7625, 7626, 7627, 7628, 7629, 7630, 7631, 7632, 7633, 7634, 7705, 7706, 7707, 7708, 7709, 7710, 7711, 7712, 7713, 7714, 7715, 7716, 7717, 7718, 7737, 7870, 7871, 7893, 7894, 7895, 7896, 7897, 7898, 7899, 7900, 7901, 7902, 7903, 7904, 7905, 7906, 7907, 7908, 7909, 7910, 7911, 7912, 7913, 7914, 7915, 7916, 7917, 7918, 7919, 7920, 7921, 7922, 7923, 7924, 7925, 7926, 7927, 7928, 7929, 7930, 7931, 7932, 7933, 7934, 7935, 7936, 7937, 7938, 7939, 7940, 7941, 7942, 7943, 7944, 7945, 7946, 7947, 7948, 7949, 7950, 7951, 7952, 7953, 7954, 7955, 7956, 7957, 7958, 7959, 7960, 7961, 7962, 7963, 7964, 8018, 8019, 8020, 8021, 8022, 8023, 8024, 8025, 8026, 8027, 8028.

SEC. 72. *Local Improvement Warrants Authorized.*

Every city and town shall have the power by general ordinance to provide for the issuance of warrants in payment of the cost and expense of any local improvement, such warrants to be payable out of the special fund in such local improvement district, said warrants to bear interest from date thereof at a rate at not exceeding eight per cent. (8%) per annum, and to be redeemed either in cash or in local improvement bonds authorized to be issued in the manner prescribed by general ordinance.

Passed by the House March 1, 1911.

Passed by the Senate March 7, 1911.

Approved by the Governor March 17, 1911.

Warrants
authorized.

CHAPTER 99.

[S. B. 80.]

REGISTERING AND LICENSING OF STALLIONS AND JACKS

AN ACT relating to the registration and licensing of draft stallions and jacks, providing for the fees therefor and fixing the penalties for a violation of the provisions hereof.

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

SECTION 1. Every person, firm or company, owning any draft stallion, or jack, for sale, exchange or for public service in this state shall cause the name, description and pedigree of such stallion or jack to be enrolled by the department of animal husbandry of the State College of Washington, and procure a certificate of such enrollment from said department, which shall thereupon be presented to and recorded by the auditor of the county in which said stallion or jack is used for public service.

Pedigree
enrolled.

In order to obtain the license certificate herein provided for, the owner of each stallion or jack shall file a certificate of soundness, signed by a veterinarian registered to practice in the State of Washington and shall forward the veterinarian's certificate, together with the stud book certificate of registry of the pedigree of the said stallion or jack, and other necessary papers relating to his breeding and ownership to the department of animal husbandry of the said college.

License
certificate.

The presence of any one of the following named diseases shall disqualify a stallion or jack for public service:

Disqualify.

Bone spavin; ringbone, sidebone, navicular disease.

Bog spavin; curb with curby formation of hock.

Glanders, farcy, *maladie due coit*; urethral gleet; mange; melanosis; and the department of animal husbandry is hereby authorized to refuse its certificate of enrollment to any stallion or jack affected with any one of the diseases hereby specified and to revoke the previously issued enrollment certificate of any stallion or jack found on investigation of the department to be so infected.

SEC. 2. The professor of animal husbandry of the said college whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as his standard for action the stud books and signatures of the duly authorized officers of the various horse or jack pedigree registry associations, societies or companies recognized by the department of agriculture, Washington, D. C., and shall accept as purebred and entitled to a license certificate as such, each stallion or jack for which a pedigree registry certificate is furnished bearing the signature of the duly authorized officers of a government recognized and approved stud book.

Standard used.

SEC. 3. The owner of any stallion or jack used for public service in this state shall post and keep affixed, during the entire breeding seasons, copies of the license certificate of such stallion or jack, issued under the provisions of the next succeeding section, in a conspicuous place both within and upon the outside of every stable or building where the said stallion or jack is used for public service at his home or elsewhere.

Post copy.

SEC. 4. Subdiv. 1. The license certificate issued for a stallion or jack whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the government department of agriculture, shall be in the following form:

THE STATE COLLEGE OF WASHINGTON,
DEPARTMENT OF ANIMAL HUSBANDRY.

CERTIFICATE OF PUREBRED STALLION OR JACK NO.

The pedigree of the stallion or jack (name)

Certificate.

Owned by

Described as follows:

(Color) (Breed)

Foaled in the year, has been examined at the state college, and it is hereby certified that the said stallion or jack is of pure breeding and is registered in a stud book recognized by the department of agriculture, Washington, D. C.

(Signature)

Professor of Animal Husbandry.

Subdiv. 2. The license certificate issued for a stallion or jack whose sire or dam is not of pure breeding shall be in the following form: Terms of certificate.

THE STATE COLLEGE OF WASHINGTON,
DEPARTMENT OF ANIMAL HUSBANDRY.

CERTIFICATE OF GRADE STALLION OR JACK NO.

The pedigree of the stallion or jack (name)
 Owned by
 Described as follows:
 (Color)

Foaled in the year, has been examined at the state college, and it is found that the said stallion or jack is not of pure breeding and is, therefore, not eligible for registration in any stud book recognized by the department of agriculture, Washington, D. C.

(Signature)
Professor of Animal Husbandry.

Subdiv. 3. The license certificate issued for a stallion whose sire and dam are pure bred, but not of the same breed, shall be in the following form: Mixed breed certificate.

THE STATE COLLEGE OF WASHINGTON,
DEPARTMENT OF ANIMAL HUSBANDRY.

CERTIFICATE OF CROSS-BRED STALLION NO.

The pedigree of the stallion (name)
 Owned by
 Described as follows:
 (Color)

Foaled in the year, has been examined at the state college and it is found that his sire is registered in the and his dam in the

Such being the case, the said stallion is not eligible for registration in any stud book recognized by the department of agriculture, Washington, D. C.

(Signature)
Professor of Animal Husbandry.

Subdiv. 4. The license certificate issued for a non-standard-bred stallion shall be used in the following form:

THE STATE COLLEGE OF WASHINGTON,

DEPARTMENT OF ANIMAL HUSBANDRY.

CERTIFICATE OF NON-STANDARD-BRED STALLION NO.

Non-stand-
ard bred
certificate.

The pedigree of the stallion (name)

Owned by

Described as follows:

(Color)

Foaled in the year, has been examined at the state college, and it is found that the stallion is not eligible to registration as standard-bred, and for the purpose of the license is not pure bred, although recorded in a non-standard department of the American Trotting Register.

(Signature)

Professor of Animal Husbandry.

SEC. 5. Each bill and poster issued by the owner of any stallion or jack enrolled under this act, or used by him or his agent for advertising such stallion or jack's certificate of enrollment printed in bold-face type, not smaller than long primer, on said bill or poster, and the first mention thereon of the name of the stallion or jack shall be preceded by the words: "Purebred," "grade," "cross-bred," or "non-standard-bred," in accordance with the wording of the certificate of enrollment; and it shall be illegal to print upon the poster any misleading reference to the breeding of the stallion or jack, his sire or his dam, or to be used upon such bill or poster the portrait of a stallion or jack in a misleading way; and each newspaper advertisement printed to advertise any stallion or jack for public service shall show the enrollment certificate number and state whether it reads "purebred," "grade," "cross-bred," or "non-standard-bred."

Form of
poster.

A fee of two dollars shall be paid to the department of animal husbandry of said college for the examination and enrollment of each pedigree and for the issuance of a license certificate, in accordance with the breeding for the stallion or jack as above provided, and a renewal license fee of one dollar shall be paid to said department every second year

Fee for
certificate.

from the date of the issuance of the original license certificate.

Upon the transfer of the ownership of any stallion or jack enrolled under the provisions of this act, the certificate of enrollment may be transferred to the transferee by said department upon submittal of satisfactory proof of such transfer and upon payment of the fee of fifty cents; and a fee of fifty cents shall be paid for a duplicate license certificate issued where proof is given of loss or destruction of the original certificate.

Certificate transferable.

SEC. 5½. Any person, firm or corporation bringing any stallion or jack into the state shall within sixty days thereafter procure the license certificate provided for in section one.

Procure certificate.

Any person, firm or corporation offering any stallion or jack for sale for breeding purposes shall first procure the license certificate provided for in section one.

SEC. 6. Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof be fined in any sum not exceeding fifty dollars and for each and every subsequent violation of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars.

Violation and penalty.

SEC. 7. When a complaint is made to the department of animal husbandry that a stallion or jack is unsound, and, on investigation, an examination is by the department deemed necessary, such examination shall be made by the state veterinarian, or his deputy; but the owner of the stallion or jack shall have the right to select some registered veterinarian to act with the state veterinarian, and in case these two shall fail to agree they shall appoint a third registered veterinarian to act as referee, and his decision shall be final.

Complaint.

To gain decision.

SEC. 8. All moneys collected under the provisions of this act shall be expended by the professor of animal husbandry under the direction of the board of regents, in carrying out the provisions thereof, and such officer shall take

Annual report.

vouchers for all moneys disbursed and shall keep an account of all moneys received and disbursed and shall make an annual report thereof, which report shall be published with and as a part of the annual report of the agricultural experiment station of said state college. If, at the expiration of any fiscal year, there shall be on hand moneys in excess of the disbursements made under the provisions of this act for the preceding year, such moneys shall be transmitted to the state treasurer and placed in the general fund.

Passed by the Senate February 7, 1911.

Passed by the House February 28, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 100.

[S. B. 84.]

PIERCE'S CODE OFFICIAL UP TO AND INCLUDING 1905.

AN ACT to adopt Pierce's Washington Code as an official compilation.

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

Official compilation.

SECTION 1. The compilation of the Session Laws of the State of Washington, arranged and compiled by Frank Pierce and known as "Pierce's Washington Code," is hereby adopted as an official compilation of existing statutes of the state up to and including the year 1905.

Refer or cite.

SEC. 2. It shall be proper for the legislature, in amending or repealing existing statutes, and for the courts in referring to existing statutes, to refer to or cite Pierce's Washington Code containing such law.

Passed by the Senate January 24, 1911.

Passed by the House March 1, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 101.

[S. B. 3.]

NOMINATING SUPERIOR COURT AND SUPREME COURT JUDGES.

AN ACT relating to the nomination of superior court and supreme court judges, and amending sections 4842 and 4805, Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Section 4842 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be and is hereby amended to read as follows: Section 4842. Judges of the supreme and superior courts, state senators and representatives shall not be considered state officers within the meaning of the provisions of this act relating to first choice and second choice voting. When there are to be elected at any general election one or more judges of the supreme court, or of the superior court of any county, the candidates for each respective office whose names are to be placed on the general election ticket shall be determined as follows: The number of candidates equaling the number of judicial positions to be filled who receive the highest number of votes at the primary election, and an equal number of candidates for such positions, providing there are such candidates, who receive the next highest number of votes, shall be the candidates for such respective offices and their names shall appear on the general election ballot under the designation of such respective offices: *Provided, however,* That where any candidate for any such office shall receive a majority of all votes cast at such primary election for such office, the name or names of such candidates receiving such majority shall be printed separately on the general election ballot, under the designation "Vote for," and the name or names of no opposing candidate or candidates shall be printed on such ballot in opposition to such candidate or candidates, but spaces equalling the number of such majority candidates shall be left following such name or names, in which the voter may insert the

[Amending
§ 4842,
Rem.-Bal.]

Manner of
procedure.

Ballot.

name of any person for whom he wishes to cast his ballot. Following the names of such majority candidates, under the designation "Vote for," the names of the minority candidates who have received the highest number of votes at the primary election equal to twice the number of the remaining places to be filled shall be printed: *Provided, further,* That the secretary of state, or other proper certifying officer, in certifying to the several county auditors of the state the names of candidates for judicial offices shall specify the names of those who have received a majority vote at such primary election, together with the names of the minority candidates who are entitled to have their names placed upon the official ballot. The names of all such candidates for such judicial offices shall appear on the general election ballot under the heading: "Non-Partisan Judiciary." Where a vacancy or other cause shall necessitate the election of a judge for a short term, and at the same election one or more judges are to be elected for the full term, candidates may announce themselves for either the short or full term, and the ballots shall be arranged accordingly, There shall be a separate ballot for the candidates for nomination for such judicial offices, which shall be the general election ballot hereinbefore referred to, and shall be printed, delivered, voted and counted as hereinbefore provided for the general primary election ballot: *Provided,* That any voter shall have the privilege of voting this ticket alone. The form of said ballot shall be substantially as follows:

Provisions for certifying.

Non-partisan judiciary ballot.

NON-PARTISAN JUDICIARY TICKET.

To vote for a person make a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

Form.

Judges of Supreme Court.		Judges Superior Court.	
	Vote for...		Vote for...
John Doe.....	<input type="checkbox"/>	John Doe.....	<input type="checkbox"/>
John Doe.....	<input type="checkbox"/>	John Doe.....	<input type="checkbox"/>
John Doe.....	<input type="checkbox"/>	John Doe.....	<input type="checkbox"/>

SEC. 2. Section 4805 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and is hereby

amended to read as follows: Section 4805. Hereafter, all candidates for elective offices in this state, either state, county, municipal, precinct or congressional, shall be nominated at a direct primary election held in pursuance of this act: *Provided*, That this act shall not be held to refer to special elections for filling the vacancies of unexpired terms, or to election to offices of any city or town of the fourth class or for any school, dike, irrigation or metropolitan park district or other local improvement elections, or for presidential electors: *Provided, further*, That the provisions of this act shall not apply to nomination of candidates for municipal elective offices in cities of the first class which have adopted or may hereafter adopt charters under section 10, article XI of the state constitution, where such charters have provided or may hereafter provide a non-partisan method or methods of nominating candidates for municipal elective offices; and all such cities shall have the right and power to provide in their charters for any method or methods of non-partisan nomination of candidates for their elective offices as they may desire.

[Amending
§ 4805,
Rem.-Bal.]

Making
exceptions.

Passed by the Senate February 25, 1911.

Passed by the House March 1, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 102.

[S. B. 200.]

PROVIDING FOR AN ORGANIZED NAVAL MILITIA.

AN ACT providing for an organized naval militia.

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

SECTION 1. There is hereby authorized, in addition to and as a part of the organized forces of the National Guard of the State of Washington, a Naval Militia, which shall consist of not more than five hundred officer and men. Said militia to bear the same relation to the United States navy as the land forces of the National Guard bear to the

Number.

United States army, and the Naval Militia of the state shall be organized and governed by the rules, regulations, and articles for the government of the United States navy in the same manner and to the same extent as the land forces of the National Guard of the state are now organized and governed by the rules, regulations and Articles of War of the United States army.

Navy
regulations
govern.

SEC. 2. The line officers of the Naval Militia shall consist of a captain who shall be the commanding and ranking officer, not to exceed four lieutenant-commanders, one of whom may be detailed as executive officer, one as navigating officer, one as chief engineer; a lieutenant, a lieutenant junior grade, and an ensign for each division organized, and such other line officers as may be expedient or sufficient to make up a ship's company of the first class in conformity with the articles, laws, customs and regulations governing the United States navy. In addition to the line officers there may be commissioned a surgeon and a paymaster with rank of lieutenant-commander, a chaplain with rank of lieutenant, and such other staff officers as may be necessary or sufficient to complete a ship's company in conformity with the articles and regulations of the United States navy.

Officers.

SEC. 3. The Naval Militia, or such portion as the commanding officer may select, may be required to perform cruise duty annually on United States vessels or vessel loaned this state by the United States for at least five consecutive days, or such further time as the commander-in-chief may order.

Annual duty.

SEC. 4. For the purpose of business and military administration the Naval Militia shall be considered as a regiment; and a division of Naval Militia, consisting of not more than sixty nor less than forty enlisted men, shall be considered as a company of infantry.

Company.

SEC. 5. The law governing the election and appointment of officers in the National Guard, and the relative rank as recognized in the army and navy of the United States shall apply to the Naval Militia: *Provided, how-*

Application
of rank.

ever, That the examining boards for officers of the Naval Militia shall be composed so far as practicable of officers of the United States navy detailed for that purpose by the secretary of the navy upon the request of the commander-in-chief: *Provided, further*, That the first commission issued to any officer shall be for a probationary period of six months, at the expiration of which time the commission may be regularly issued at the discretion of the commander-in-chief: *And provided further*, That previous military or naval service shall not be required of a candidate for appointment as a lieutenant commanding a division.

Previous
service.

Passed by the Senate February 15, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 103.

[S. B. 206.]

RELATING TO BRIDGES, DRAWBRIDGES AND VIADUCTS.

AN ACT to amend sections one and two of an act, entitled "An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges, draw-bridges, viaducts, elevated roadways and tunnels, with or without street railways thereon or therein, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency," approved August 23, 1909, and declaring an emergency.

[This act amends Ch. 14, Laws '09, Special Session, or §§7579 to 7583, inc., Rem.-Bal. See note to § 7579. Rem.-Bal. as to constitutionality of said act; and also *Denver v. Spokane Falls*, 7 Wash. 226.]

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

SECTION 1. That section 1 of an act, entitled "An act authorizing cities of the first class in the State of Washington which at the government census in 1900 had a population in excess of 80,000, to construct and maintain, upon public streets, and upon the extensions or connections thereof across waterways, rivers, canals or other channels, wherever public necessity may require, bridges,

Population
to exceed
80,000.

drawbridges, viaducts, elevated roadways and tunnels, with or without street railways thereon or therein, and providing for the levy and collection of assessments upon property specially benefited thereby, to pay therefor, and declaring an emergency," approved August 23, 1909, be amended to read as follows:

[Amending
§ 7579,
Rem.-Bal.
See note to
title.]

Power to
provide.

Section 1. Any city of the first class shall have power to provide for the construction, maintenance and operation upon public streets and upon the extensions and connections thereof over intervening tide lands to and across any harbor reserves, waterways, canals, rivers, natural water courses and other channels any bridges, draw-bridges, viaducts, elevated roadways and tunnels or any combination thereof, together with all necessary approaches thereto, with or without street railway tracks thereon or therein, and to make any and all necessary cuts, fills, or other construction, upon, in or along such streets and approaches as a part of any such improvement, and to order any and all work to be done which shall be necessary to complete any such improvement. The word "approaches" as used in this section shall include any arterial highway or highways or streets connecting with any such bridge, draw-bridge, viaduct, elevated roadway or tunnel, or combination thereof, which are necessary to give convenient access thereto or therefrom from any portion of the improvement district which may be specially benefited by such improvement and which is liable to assessment for such improvement.

Defining
approaches.

Whenever it is desired to pay the whole or any portion of the cost and expense of any such improvement by special assessments, the council or other legislative body of such city shall in the ordinance ordering such improvement fix and establish the boundaries of the improvement district, the property within which is to bear such assessment, which district shall include as near as may be, all the property specially benefited by such improvement.

Council fix
boundaries.

SEC. 2. That section 2 of said act be amended to read as follows:

Section 2. Any such improvement may be initiated by the city council, or other legislative body of such city, by

a resolution, declaring its intention to order such improvement, which resolution shall set forth the nature and territorial extent of such proposed improvement, shall specify and describe the boundaries of such proposed improvement district and notify all persons who may desire to object thereto to appear and present such objections at a meeting of the council specified in such resolution and directing the board of public works, or other proper board, officer or authority of such city, to submit to such council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed improvement district, and a statement of the aggregate assessed valuation of the real property exclusive of improvements, within said district, according to the valuation last placed upon it for purposes of general taxation. Such resolution shall be published in at least two (2) consecutive issues of the official newspaper of such city, the date of the first publication to be at least thirty days prior to the date fixed by such resolution for hearing before such council.

[Amending
§ 7580.
Rem.-Bal.
See note to
title, *supra*.]

Publish
resolution.

Upon such hearing, or upon any adjournment thereof, such council shall have power to amend, change, extend, or contract the boundaries of such proposed improvement district as specified in such resolution, and to consider and determine all matters in relation to such proposed improvement, and, upon the conclusion of such hearing, or any adjournment thereof, shall have power by ordinance to order such improvement to be made and to adopt, fix and establish the boundaries of the improvement district. The action of such council in ordering such improvement, or in abandoning the same, and in fixing and establishing the boundaries of such improvement district shall be final and conclusive. Any such ordinance may be passed upon majority vote of the council or other legislative body of such city. Such ordinance may provide for the construction of such improvement in sections, the letting of separate contracts for each such section, and, in case the same is

Power of
council.

Majority
vote
required.

made in sections, separate assessment rolls to defray the cost and expense of any such section of such improvement may be prepared, and the amounts thereon appearing as finally determined, may be levied and assessed against real property within such improvement district. The provisions of law, charter and ordinance of any such city, relating to supplemental assessments, re-assessments and omitted property shall be applicable to any improvement authorized in this act.

Shall hear
objections.

The city council, or other legislative body of such city, shall by general ordinance, make provision for hearing any objections in writing, to any assessment roll for such improvement filed with the city clerk or comptroller at a prior date to the hearing thereon. Any right of appeal to the superior court now provided by law to be taken from any local improvement assessment levied and assessed by any such city, may be exercised, within the time and in the manner therein provided, by any person so objecting to any assessment levied and assessed for any improvement authorized in this act.

Emergency.

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

Passed by the Senate March 1, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 104.

[S. B. 152.]

RELATING TO THE TAKING OF FOOD FISHES.

AN ACT relating to the taking of food fishes, and amending section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5187 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 5187. It shall be

[Amending
§ 5187,
Rem.-Bal.]

unlawful to take or fish for salmon in the waters of Grays Harbor or its tributaries from the 15th day of March to the 15th day of April, and from the 25th day of November to the 25th day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the 15th day of August to the 15th day of November in each year above the points hereinafter described, to-wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half above the mouth of the Johns river. The fish commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated, which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the 15th day of March to the 15th day of April, and the 1st day of August to the 1st day of September and from the 5th day of December to the 5th day of January in each year. And, also, it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tide-water in said rivers: North river, Willapa river, Nasel river, Palix river, Nema river, and Bear river, and for the purposes of this act the head of the tide water shall be on North river at the upper end of the lower log boom; on the Willapa river, the main wagon bridge near Willapa City; on the Nasel river, the gap of the main log boom; on the Bear river, Masny's Landing; on the Nema and Palix rivers at the head of navigation for fish boats at mean low tides: *Provided*, That for two years next ensuing after the passage of this act,

Fishing
limit.

Mark points
with piles.

Head of
tidewater.

all licenses now in force above these specific points may be renewed and continued in force, but no new licenses shall be issued for fishing above these points. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above rivers. It shall be unlawful to take or fish for salmon or sturgeon in the Columbia river or its tributaries or in any of the waters or sloughs thereof west of the north and south line between sections 14 and 15 in township 15, east of the Willamette meridian, or within three miles outside of the mouth of said Columbia river, by any means whatever in any year between 12 o'clock meridian on the 1st day of March, and 12 o'clock meridian on the 1st day of May, and between 12 o'clock meridian on the 25th day of August and 12 o'clock meridian on the 10th day of September, and between 6 o'clock p. m. on Saturday of each week and 6 o'clock p. m. on the Sunday following from the 1st day of May to the 25th day of August, both inclusive, of any year. And it shall be unlawful to take or fish for salmon in the Columbia river or any of its tributaries easterly of the north and south line between sections 14 and 15 in township 15, east of the Willamette meridian, by any means whatever in any year between 12 o'clock meridian on the 15th day of March and 12 o'clock meridian on the 1st day of June or between 12 o'clock meridian on the 25th day of August and 12 o'clock meridian on the 10th day of September, except the Snake river. And it shall be unlawful to take or fish for salmon in the Snake river, or any of its tributaries, by any means whatever, in any year between 12 o'clock meridian on the 1st day of March and 12 o'clock meridian on the 1st day of June, or between 12 o'clock meridian on the 1st day of August and 12 o'clock meridian on the 5th day of September. And it shall be unlawful to take or fish for salmon by any means whatever; except with hook and line, commonly termed angling, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Wenatchee river, Methow river, Little Spokane river, and Colville river, and in the mouths thereof, and in the

Prohibiting
fishing,
and dates
given, when.

Snake river.

Columbia river within one mile below the mouth of the above named rivers: *Provided*, No traps shall be located on or within three miles below the mouth of the Lewis river. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers creek in the county of Pierce, or within two hundred and fifty yards of the mouth of said creek, and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof for each and every offense be subject to a fine of not less than fifty dollars nor more than one thousand dollars, or may be imprisoned in the county jail not less than ten days nor more than one year, or may be both fined and imprisoned.

Passed by the Senate March 1, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 105.

[H. B. 154.]

ALLOWING FOREIGN CORPORATIONS TO LOAN MONEY IN THE STATE.

AN ACT allowing foreign corporations to loan money in the state, and amending section 1, of chapter 176 of the Laws 1903.

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

SECTION 1. Section 1 of "An act providing for the incorporation of trust companies and defining their powers and duties," approved by the governor March 17th, 1903, being chapter 176 of Laws of Washington for the year 1903, is hereby amended so that the same shall read as follows: Section 1. Seven or more persons of full age may become a trust company on the terms and conditions and subject to the liabilities prescribed in this act; the name of every company formed under this act shall contain the word "trust," but shall not be that of any other existing

[Amending
§ 3346.
Rem.-Bal.]

Capitaliza-
tion.

corporation of this state; the capital stock of such trust company hereafter organized shall not be less than one hundred thousand dollars: *Provided*, That in cities having less than 25,000 inhabitants such companies may be organized with \$50,000.00 capital, and in cities having less than 10,000 inhabitants, such companies may be organized with \$25,000 capital, and shall be divided into shares of one hundred dollars each, all of which shall be paid in cash before any trust company shall be authorized to transact any business, and such payment shall be certified to the secretary of state under oath by the president and treasurer or secretary of the trust company; hereafter no corporation shall be organized for the purpose of carrying on a trust company business in the State of Washington, except under this act, and no company hereafter organized under any other act shall use the word "trust" as a part of its name: *Provided*, That this act and chapter shall not apply to any foreign corporations engaged in the business of loaning money on mortgage security which does not accept deposits or receive from citizens of the State of Washington property or money in trust or deposit or for investment. In case any foreign corporation whose name contains the word "trust," or whose articles of incorporation empower it to do a trust business, desires to engage in business of loaning money on mortgage security in this state, it shall file in addition to its articles of incorporation or association, a resolution of its governing board, duly attested by its president and secretary, expressly stating that it will not receive deposits in the State of Washington or accept from citizens and residents of the State of Washington property and money, or either, in trust for investment.

Exception.

File reso-
lution.

Passed by the House February 10, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 106.

[H. B. 279.]

RELATING TO SCHOOL ELECTIONS IN DISTRICTS OF THE FIRST CLASS.

AN ACT relating to school elections in school districts of the first class and amending sections 1, 6, 7 and 11 of article IV, chapter 13, title III, of the Code of Public Instruction, the same being chapter 97 of the Session Laws of 1909.

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

SECTION 1. That section of article IV, chapter 13, title III, of the Code of Public Instruction, the same being chapter 97 of the Session Laws of 1909, be and the same is hereby amended to read as follows:

Section 1. Every person residing in any portion of a school district of the first class, which lies without the limits of any incorporated city, who is not required to register to vote at a general election held therein shall not be entitled to vote at any school election, either general or special, to be held in any such district of the first class unless he or she shall have previously complied with the requirements as to registration as in this act provided.

[Amending
§ 4673.
Rem.-Bal.]

Registration
required.

SEC. 2. That section 6 of article IV, chapter 13, title III of said act be and the same is hereby amended to read as follows:

Section 6. Registration shall not be required more than once in each year. All persons who are duly qualified electors under the provisions of this act, who reside in any portion of a school district of the first class outside of the limits of any incorporated city and who are not required to register to vote at a general election shall be entitled to registration on application to the secretary of the board of directors of the district in which they reside: *Provided*, Such elector shall have been a resident of the state for one year, of the county ninety days, and of the voting precinct thirty days prior to the next general or special election to be held in such district. No person shall vote at any such

[Amending
§ 4678.
Rem.-Bal.]

Legal
requirement.

election except in the precinct where he or she has resided for the length of time above specified.

SEC. 3. That section 7 of article IV, chapter 13, title III of said act be and the same is hereby amended to read as follows:

Section 7. Wherever the whole or any portion of such district of the first class shall lie without the limits of any incorporated city the board of directors of such district shall sub-divide such outlying territory into voting precincts so that each precinct shall contain, as near as may be, five hundred inhabitants, and after the boundaries of such precincts shall have been established, said territory shall not be redistricted oftener than once in three years, and not then unless one or more of the precincts thereof shall have attained a population of more than five hundred inhabitants. There shall be provided by the board of directors in each district and kept by the secretary of such board a book of registration for each voting precinct in such district established by the board of directors as above provided.

SEC. 4. That section 11 of article IV, chapter 13, title III of said act be and the same is hereby amended to read as follows:

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

Passed by the House February 23, 1911.

Passed by the Senate March 2, 1911.

Approved by the Governor March 17, 1911.

[Amending
§ 4679,
Rem.-Bal.]

Relating to
precinct
division.

[Amending
§ 4683,
Rem.-Bal.]

[Transfer of
registration.]

CHAPTER 107.

[H. B. 280.]

RELATING TO ELECTIONS IN SCHOOL DISTRICTS OF
FIRST CLASS.

AN ACT relating to the elections in school districts of the first class and amending section 4669 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4669 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows: Section 4669. It shall be the duty of the board of directors to provide one or more voting places in each district: *Provided*, There shall not be more voting places in any district than the number of school houses located in such district. The board shall also appoint two judges and one clerk for each voting precinct. Both judges and clerk shall be qualified electors in the precinct for which they are appointed. Should any judge or clerk be absent at the time for opening the polls, the electors present shall appoint a legal voter to fill such vacancy.

[Amending
§ 4669,
Rem.-Bal.]

Providing
for elections.

Passed by the House February 23, 1911.

Passed by the Senate March 2, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 108.

[H. B. 62.]

CONSTITUTIONAL AMENDMENT FOR RECALL OF ELECTIVE OFFICERS.

AN ACT to amend article one (1) of the Constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article one (1) two new sections which shall be numbered sections 33 and 34 of said article one (1).

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1912, there shall be submitted to the qualified electors of the state, for their adoption and approval or rejection, an amendment of article one (1) of the constitution of the State of Washington, authorizing and empowering the voters to call a special election at any time to recall and discharge any elective public officer and to elect his successor, by adding thereto at the end of said article sections 33 and 34 of said article one (1), and which shall read, as follows:

Amend
constitution.

ARTICLE 1.

Section 33. Every elective public officer in the State of Washington except judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for

Petition
stating
charge.

nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

Special
election.

Section 34. The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of law-making nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent.

Percentages
required.

SEC. 2. The secretary of state shall cause the amendment proposed in section one of this act to be published for three weeks next preceding the said election therein described in some weekly newspaper in every county where a newspaper is published throughout the state.

Publish
proposed
amendment.

SEC. 3. There shall be printed on all ballots provided for the said election, the words:

“For the proposed amendment to article one (1) of the constitution, by adding thereto at the end of said article one (1) two new sections to be numbered sections 33 and 34 of said article one (1) authorizing and providing for the recall and discharge of any elective public officer and election of his successor.” “Against the proposed amendment to article one (1) of the constitution, by adding thereto at the end of said article one (1) two new sections to be numbered sections 33 and 34 of said article one (1), au-

Form of
ballot.

Ballot, now
printed.

thorizing and providing for the recall and discharge of any elective public officer and election of his successor.”

Proclamation.

SEC. 4. If it shall appear from the ballots cast at the said election that a majority of the qualified electors voting upon the question of the adoption of the said amendment have voted in favor of the same, the governor shall make proclamation of the same in the manner provided by law, and the said amendment shall be held to have been adopted and to have been a part of the constitution from the time of such proclamation.

Passed by the House March 8, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 109.

[H. B. 460.]

RELATING TO RIGHTS-OF-WAY OVER STATE LANDS OF PRIVATE LOGGING COMPANIES.

[See §§6831 to 6832, Rem.-Bal.]

AN ACT relating to rights-of-way and easements over state lands of private logging companies, reserving rights for rights-of-way over state lands hereafter granted, providing for the moving of timber, stone, mineral and other products over state lands hereafter granted, providing penalties for the violation of the act and providing for certain rights-of-way and easements reverting to the state.

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

Containing valuable products.

SECTION 1. That all state lands hereafter granted, sold or leased containing timber, stone, mineral or other products or when other state lands contiguous or in proximity thereto contain valuable timber, stone, mineral or other products, shall be subject to the right of the state, or any grantee or lessee thereof hereafter acquiring such other lands, or acquiring the timber, stone, mineral or other products thereon, to acquire the right of way over such lands so granted, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of and to be used in the transporting and moving of such

timber, stone, mineral or other product from such other lands, over and across the lands so granted or leased, upon the state or its grantee paying to the owner of the lands so granted, sold or leased reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad seeking to condemn private property.

May
condemn.

SEC. 2. Every grant, deed, conveyance, lease or contract hereafter made to any person, firm or corporation over and across any state lands for the purpose of right of way for any private railroad, skid road, flume, canal, watercourse or other easement to be used in the hauling of timber, stone, mineral or other products of the land, shall be subject to the right of the state or any grantee thereof or other person owning or hereafter acquiring any lands containing valuable timber, stone, mineral or other products contiguous to or in proximity thereto, or hereafter acquiring the timber, stone, mineral or other product situate upon state lands so contiguous or in close proximity to the said lands, over which said right of way or easement is acquired having such timber, stone, mineral or other product transported or moved over such railroad, skid road, flume, canal, watercourse or other easement after the same is or has been put in operation upon paying therefor just and reasonable rates for transportation or for the use of such railroad, skid road, flume, canal, watercourse or other easement and upon complying with just, reasonable and proper rules affecting such transportation, which rates, rules and regulations shall be under the supervision and control of the railroad commission of Washington.

Subject
to right
of state.

Railroad
commission
to control.

SEC. 3. Any person, firm or corporation hereafter acquiring the right of way or other easement over state lands or over any tide or shore land belonging to the state or over or across any navigable water or stream for the purpose of transporting or moving timber, stone, mineral or other products, and engaged in such business thereon, shall accord to the state or any grantee thereof hereafter acquir-

Right to
transport.

ing lands containing valuable timber, stone, mineral or other products contiguous and in proximity thereto, or any person, firm or corporation hereafter acquiring the timber, stone, mineral or other products situate upon state lands so contiguous and in proximity to the lands over which said right of way or easement is operated, proper and reasonable facilities and service for the transportation and moving of such timber, stone, mineral and other products under reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use to have the right to use such right of way or easement for transporting and moving such products under such reasonable rules and regulations and upon payment of just and reasonable charges therefor.

Reasonable charges.

SEC. 4. Should the owner or operator of any private line of railroad, skid road, flume, canal, watercourse or other easement operating over lands hereafter acquired from the state, as in this act set out, fail to agree with the state or with any subsequent grantee thereof as to the reasonable and proper rules regulations and charges concerning the transportation of timber, stone, mineral or other products, from lands contiguous or in proximity of the lands over which the right of way or easement is granted, for carrying and transporting such products or for the use of the railroad, skid road, flume, canal, watercourse or other easement in transporting such product, the state or such person, firm or corporation owning and desiring to ship such products may apply to the railroad commission and have the reasonableness of the rules, regulations and charges inquired into and it shall be the duty of the railroad commission to inquire into the same in the same manner and it is hereby given the same power and authority to investigate the same as it is now authorized to investigate and inquire into the rules and regulations and charges made by railroads and is authorized and empowered to make such order as it would make in an inquiry against a railroad, and in case such railroad, skid road, flume, canal,

Appeal to commission.

Commission make order.

watercourse or other easement is not then in use, may make such reasonable, proper and just rules and regulations concerning the use thereof for the purposes aforesaid as may be just and proper and such order shall have the same force and effect and be binding upon the parties to such hearing as though such hearing and order was made affecting a railroad.

Order
binding.

SEC. 5. In case any person, firm or corporation owning and operating any private railroad, skid road, flume, canal, watercourse or other easement over and across lands hereafter acquired from the state obtained subject to the provisions of this act shall fail to comply with any rule, regulation or order made by the railroad commission after an inquiry as provided for in the preceding section, such person, firm or corporation shall be subject to a penalty not exceeding one thousand dollars for each and every violation thereof, and in addition thereto such right of way, railroad, skid road, flume, canal, watercourse or other easement and all improvements and structures on such right of way and connected therewith, shall revert to the State of Washington and may be recovered by it in an action instituted in any court of competent jurisdiction.

Failure
to comply.

Penalty.

Rights
revert to
state.

Passed by the House March 4, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 110.

[H. B. 311.]

RELIEF OF C. A. IVES.

AN ACT for the relief of C. A. Ives.

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

SECTION 1. That the commissioner of public lands is authorized and directed to resurvey lots 1 and 2 in section 36, township 15, north, range 3 west W. M., and to correct the application numbered 3207, made by C. A. Ives to

Resurvey.

purchase said lots, and also contract of sale numbered 3666, so as to include only the lands above the line of ordinary low water in the Chehalis river and upon the payment by the said C. A. Ives or his successor of an amount equal to the number of acres so found in said lots above the line of ordinary low water multiplied at the proportionate rate per acre in each lot as required by the original application, the said commissioner of public lands shall cause a deed to be issued therefor to the said C. A. Ives, or his successor, and the acceptance of such deed shall be deemed a relinquishment by such grantee of all claims to any part of said lots lying below the line of ordinary low water as shall be fixed by such survey.

Passed by the House February 25, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 111.

[H. B. 184.]

RELATING TO POWERS OF MUNICIPAL CORPORATIONS.

[See §§8005
to 8010,
Rem.-Bal.]

AN ACT relating to the powers of municipal corporations, authorizing such corporations to acquire by purchase, condemnation, or otherwise, water for irrigation and domestic purposes, and the construction of a piping system therefor; to levy and collect special assessments and taxes to pay for the same; providing the modes of payment therefor; making the annual rental for the use of such water a charge and lien against the property furnished; permitting cities and towns owning gas, water or electric plants to dispose of any surplus remaining after the inhabitants thereof have been supplied, and declaring an emergency.

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

SECTION 1. That all cities and towns within the state, other than cities of the first class, situated within the limits of any irrigation project owned and operated by the United States Government, any water users association, private individuals or corporation, where the water used for irri-

gation and domestic purposes is appurtenant or may become appurtenant to the land embraced within the limits of any such city or town are hereby authorized to purchase, contract for and acquire water for the purpose of furnishing said city or town and the inhabitants thereof with a supply of water for irrigation and domestic purposes, and may do so either by the entire city or town or by assessment districts as the mayor and council of said city or town may determine.

Power to acquire water.

SEC. 2. Whenever the city council of any city or town shall deem it advisable that the city or town of which they are officers, should purchase a water right for said city or town and provide a piping system for the proper distribution of said water to the inhabitants thereof, the city or town council may provide therefor by ordinances, which shall specify and adopt the system or plan proposed, the amount of water measured in second feet that it is possible to purchase, the cost thereof, together with the estimated cost as near as can be of the construction of a piping system, and the same shall be submitted for ratification or rejection to the qualified voters of said city or town at the general or special election, and for the purpose of providing for constructing and maintaining such water system for irrigation and domestic purposes, and issuing bonds to pay therefor, such cities and towns are hereby authorized to proceed in all ways in accordance with and apply all provisions of an act of the legislature of this state, entitled: "An act authorizing cities and towns to construct, condemn and purchase, purchase, acquire, add to, maintain, conduct and operate certain public utilities, providing for modes of payment therefor, repealing all acts in conflict herewith, and declaring an emergency." Approved March 17th, 1909.

Provide by ordinance.

Submitted for ratification.

[Reference to §§8005 to 8010, Rem.-Bal.]

SEC. 3. If the city or town council should decide to construct said piping system for the distribution of water under the provisions of this act, by the establishment and creation of assessment districts, then before any contract shall be let for such construction the mayor and council

City engineer prepare plans.

shall by ordinance or resolution adopt the plans therefor, which shall be prepared by the city engineer, and shall fix and establish tax assessment districts and such cities and towns are hereby authorized to charge the expenses of such water works for irrigation and domestic purposes to all the property included within such district which is contiguous or approximate to any street in which any main or lateral pipe of such water works is for irrigation and domestic purposes to be placed, and to levy special taxes upon such property to pay therefor, which assessment and tax shall be levied in accordance with the last general assessment of the property within said district for city purposes.

SEC. 4. That for the purpose of providing, for the establishment of such water system for irrigation and domestic purposes, for the establishment and creation of assessment districts, for the issuing of bonds to pay therefor, for the collection of all assessments and the enforcement of any lien created by this act, such cities and towns are hereby authorized to proceed in all ways in accordance with and to apply all provisions of any statute now in force or that may hereafter be enacted relative to local improvements: *Provided, however,* Such statute appertains to such cities or towns.

Proceed
under
statutes.

SEC. 5. The annual rental for the use of said water for irrigation and domestic purposes shall be fixed by the city or town council and the charges so fixed shall constitute a lien against the premises so furnished as provided by law.

Rental.

SEC. 6. Any city or town owning or operating its own gas, water, or electric plant shall have the right to dispose of any surplus gas, water or electricity, remaining after the wants of the inhabitants thereof have been supplied.

Surplus.

SEC. 7. For the purpose of carrying out the provisions of section 6 any municipality intending to make such purchase shall have authority to build and construct and maintain all necessary conduits and transmission lines from the boundaries of such municipality to the boundary of such city or town selling such surplus products.

SEC. 8. An emergency exists and this act shall take effect immediately. Emergency.

Passed by the House March 3, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 112.

[H. B. 438.]

RELATING TO HORTICULTURE.

AN ACT relating to horticulture and amending sections 3072, 3080, 3118 and 3129, and repealing section 3131 of Remington & Ballinger's Annotated Codes and Statutes of the State of Washington.

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

SECTION 1. That section 3072 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 3072. The state commissioner of horticulture shall maintain an office at Tacoma, Washington, which office shall be kept open from nine o'clock a. m. to twelve o'clock m. and from one p. m. to five p. m. daily except Sundays and legal holidays. [Amending
§ 3072,
Rem.-Bal.]

SEC. 2. That section 3080 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 3080. District horticultural inspectors shall have power and it shall be their duty: [Amending
§ 3080,
Rem.-Bal.]

(a) To enforce the provisions of all laws relating to horticulture, within their respective districts;

(b) To arrange for and hold institutes and meetings of horticulturists for the discussion of horticultural subjects and the dissemination of information as to horticultural questions, and for the demonstration of methods of preventing the diseases of or pests injurious to horticultural plants and fruits, and of curing and removing the same; Meetings.

- (c) To inspect orchards, nurseries, nursery stock, fruit, horticultural products, supplies, packing houses, warehouses and other places where fruit is packed, stored or shipped; also vines, ornamental shrubs and bushes, as well as other trees and property, for the purpose of ascertaining whether the same is infected with any disease or pests injurious to fruit trees or fruit, and of taking steps to disinfect the same and prevent the spread thereof; and, for that purpose, shall have free access to orchards, nurseries, packing houses, storage houses and any other place at all times;
- (d) To require the disinfection of all trees, ornamental shrubbery, orchards, nurseries or nursery stock, fruit packing houses or other places infected with any pests, fungi or disease injurious to the horticultural industry of the State of Washington;
- (e) Inspect and examine orchards, fruit, nursery stock, and other horticultural plants and products at the request of the owner thereof for the existence of any disease or pest thereof, and report to the applicant the result of such investigation and prescribe proper remedies therefor;
- (f) Prevent the shipping and sale of infected fruit, except for canning, preserving or jellying or the making of cider or manufacture of other by-products within the State of Washington, and under such rules and regulations as may be established by the state commissioner of horticulture, and the delivery, sale, planting and shipping of infected nursery stock, trees, and other horticultural products and supplies, by notifying the owner thereof or the person having the same in charge, and requiring the proper disinfection of the same;
- (g) To disinfect, or cause to be disinfected, orchards, nursery stock, trees, fruit and other horticultural products and supplies, in case the owner or person having the same in charge, shall not do so after notice; and, in case of trees, fruits, etc., which cannot be properly disinfected, to destroy the same, or cause to be destroyed;

Inspect
for pests.

Free access.

Require
disinfection.

Examine
and report.

Prevent
shipping.

Disinfect
and destroy.

(h) To sort and repack, or cause to be sorted and repacked, infected fruit, if the owner thereof, or the person having same in charge shall not do so after notice;

Sort and
repack.

(i) Prevent the introduction and spread of diseases of or pests injurious to fruit trees and horticultural plants, fruit and other products, and to prescribe and specify the means and methods to be employed for the disinfection of trees, fruit and horticultural products; and

(j) To issue certificates of inspection to nurserymen and tree dealers on stock inspected.

Issue cer-
tificates.

SEC. 3. That section 3118 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows:

[Amending
§ 3118.
Rem.-Bal.]

"The state commissioner of horticulture shall have the power to temporarily transfer district horticulture inspectors or their assistants from one district to another, as he may deem necessary to the performance of his duties."

Transfer
inspectors.

SEC. 4. That section 3129 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Section 3129. There is hereby created a fund in the hands of the state treasurer to be known as the "horticultural fund," from which shall be paid the salaries, compensation and expenses of district inspectors and their assistants, and into which funds shall be paid all fines imposed and collected and all inspection and license fees imposed or collected under the provisions of this act, and such appropriations as are made by the legislature of the State of Washington.

[Amending
§ 3129.
Rem.-Bal.]

SEC. 5. That section 3131 of Remington and Ballinger's Annotated Codes and Statutes of Washington, be and the same is hereby repealed.

[Repealing
§ 3131.
Rem.-Bal.]

SEC. 6. Nothing in this act shall be construed as affecting any taxes heretofore imposed under existing laws or as relieving any county or tax payer from the liability for such tax; nor shall this act be construed as prohibiting any county from making expenditures for the salaries and expenses of an additional assistant district inspector for such county, such assistants to be under the direction and con-

Not to
affect ex-
isting laws.

trol of the state horticultural commissioner in all respects as other assistant district inspectors, and each county of the state is hereby authorized to make expenditures for the purposes herein specified.

Passed by the House March 3, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 113.

[H. B. 173.]

AUTHORIZING BOARD OF REGENTS TO PURCHASE ADDITIONAL LANDS.

AN ACT authorizing the board of regents of the State College of Washington to purchase certain lot or lots of land adjoining or near to the college campus.

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

SECTION 1. That the board of regents of the State College be and hereby is authorized to purchase a certain lot or lots of land near to or adjoining the college campus, from any funds belonging to or appropriated for said institution.

Passed by the House March 7, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 17, 1911.

Authority
to buy.

CHAPTER 114.

[H. B. 558.]

ESTABLISHING A "QUARRIES ROTARY FUND."

AN ACT establishing a "Quarries Rotary Fund," providing for the appointment of a superintendent of quarries, providing for the completion and maintenance of the rock quarries of the state, making an appropriation therefor, and amending sections 5910, 5911, 5912, 5913 and 5914, Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to the acquisition of rock quarries and the maintenance thereof.

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

SECTION 1. Sections 5910, 5911, 5912, 5913 and 5914 of Remington & Ballinger's Annotated Codes and Statutes, are hereby amended to read as follows:

Section 5910. Whenever under the provisions of this chapter any site and quarry is produced the state highway commissioner shall take possession thereof, and may forthwith erect and construct at and upon the same such stockades, buildings and structures as may be necessary, suitable and adequate for the safe confinement and comfortable housing of such convicts as may from time to time be confined or worked therein, and may likewise purchase and install therein such suitable and proper rock-crushing plants, machinery, appliances and tools, and with such capacity as in the judgment of the highway commissioner may be necessary and adequate to keep continuously employed and occupied such force of convicts as may from time to time be worked therein.

[Amending
§ 5910,
Rem.-Bal.]

Keep continuously employed.

Section 5911. It shall be the duty of the state highway commissioner to keep and employ in the several quarry sites so established and equipped as aforesaid, under charge of the superintendent of the penitentiary, and with his permission and that of the state board of control, in charge of such other persons in the employ of the state as the board of control shall direct, a sufficient number of able-bodied convicts when available to keep and maintain said plant therein installed in continuous operation to its full ca-

[Amending
§ 5911,
Rem.-Bal.]

Transfer of convicts.

capacity, for which purpose said convicts may be transferred from the penitentiary at Walla Walla.

Section 5912. All convicts maintained at said quarry sites shall, when physically able and so long as there is a demand for the output of such quarry, be kept and employed continuously (except Sundays and legal holidays) in the quarrying, crushing, preparation and handling of rock or other materials for roads or streets. All rock so crushed shall be, upon the request of the state highway commissioner, loaded upon the car or vessel and there delivered to said state highway commissioner, who shall use the same in the construction or maintenance of state roads or state aid roads: *Provided, however,* That so much of said materials as the state highway commissioner may not at any time require for use on state roads or state aid roads shall be by said highway commissioner disposed of at not less than 10% above estimated cost f. o. b. the car, scow or boat at the place of production, to counties, cities or towns within the state in the order of application therefor, excepting in cases where the demands of such counties, cities and towns may be in excess of the supply, in which case the state highway commissioner shall apportion, deliver and distribute such material among the several counties, cities and towns applying, in such proportion as in his judgment may seem fair and equitable: *Provided, further,* That all materials used by the state highway commissioner on any state road shall be paid for out of the appropriation, apportionment or fund for the construction or improvement of the particular road upon which it is used, and all material sold to the state highway commissioner or to any county, city, town or other municipality, shall be at not less than 10% above the estimated cost of production at the place of delivery: *Provided further,* That when the quantity of material on hand is in excess of the amount demanded by the state highway commissioner for use upon state roads, or state aid roads, or for disposition to the counties, cities and towns as herein provided, then the same may be disposed of by the state highway commissioner at such prices, not less than the cost

[Amending
§ 5912,
Rem.-Bal.]

Disposing
of crushed
rock.

Paid from
specified
road fund.

of production, as said commissioner may deem most advantageous for the state, giving prior right of purchase to citizens of the State of Washington before applicants from another state: *And provided further*, That nothing in this act shall be so construed as to prohibit the state highway commissioner from employing within said stockades, or at said quarry sites, in the production of said material and in the operation of said quarry, such free labor as the commissioner may deem necessary or proper.

Prior right
of purchase.

Section 5914. For the purpose of purchasing and installing crushing machinery, appliances, tools and cars, and for completing the plants at Selah, Dixie and Marshall rock quarry plants heretofore acquired by the state, and maintenance of the same there is hereby appropriated the sum of one hundred thousand and dollars (\$100,000.) or so much thereof as may be necessary, out of the state highway fund. All warrants drawn against this fund shall be paid in the same manner as the state's general fund warrants are paid. Any and all unexpended portions not necessary for the completion of such rock quarry plants are hereby authorized to be used for the purpose of maintaining and operating the machinery, quarries and plants at the three places mentioned until such time as the proceeds from the sale of products of such quarries shall be sufficient for the operation thereof. And all such funds so used shall be repaid to the respective funds from which used whenever the state highway commissioner shall deem sufficient funds have been received from the sale of the products of such quarries over and above the amount required for the operation of such plants. All moneys received from the sale of the products of such quarries shall be paid into the state treasury and shall be kept in a fund to be known as the "Quarries Rotary Fund," and there is hereby appropriated from such fund for the purpose of maintaining such rock quarries and all the necessary expenses in connection therewith, including the repayment as above provided, and the cost and expense of transporting to and from, keeping and guarding the convicts working therein for which no other appropri-

[Amending
§ 5914,
Rem.-Bal.]

Appropriating
\$100,000.00.

Receipts
kept in
quarries
rotary fund.

Overdraft
prohibited.

tion is made by law to be expended on the order of the state highway commissioner, all sums paid into such Quarries Rotary Fund: *Provided, however,* No warrant shall be issued against the appropriation herein made in excess of the amount remaining in such fund at the time of the issuance of the warrant. To secure the efficient, economical and satisfactory administration and maintenance of the several rock quarries under the jurisdiction of the state highway commissioner, the state highway commissioner is hereby authorized to appoint a superintendent of quarries, who shall have and exercise such powers and perform such duties in connection with the various rock quarries of the state as shall be from time to time prescribed by the state highway commissioner. He shall be appointed by the state highway commissioner, and hold office for such time as the commissioner shall determine and be removable at the pleasure of the commissioner. He shall devote his entire time and attention to the custody, control, care, management, superintendence and maintenance of the various rock quarries of the state. He shall receive an annual salary of not more than two thousand dollars, (\$2,000.00) and his necessary traveling expenses, to be paid out of the Quarries Rotary Fund herein established, and in case there is insufficient in that fund he shall be paid out of the state highway fund. He shall be subject at all times to the jurisdiction, control and direction of the highway commissioner, and shall appoint such assistants with such compensation as shall be determined by the state highway commissioner.

Superintendent of
quarries.

Salary.

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 13, 1911.

CHAPTER 115.

° [S. B. 65.]

RELATING TO CONDUCT OF JUDGES OF COURTS NOT OF RECORD.

AN ACT relating to the conduct of judges of courts not of record.

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

SECTION 1. It shall be a misdemeanor for any judge or justice of any court not of record, during the hearing of any cause or proceeding therein, to address any person in his presence in unfit, unseemly or improper language. Misdemeanor.

Passed by the Senate January 26, 1911.

Passed by the House February 28, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 116.

[S. B. 45.]

RELATING TO THE GOVERNMENT OF MUNICIPAL CORPORATIONS UNDER A COMMISSION.

AN ACT relating to the organization, classification, incorporation and government of municipal corporations, under a commission, and declaring an emergency.

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

SECTION 1. That any city, now or hereafter, having a population of two thousand five hundred and less than twenty thousand, as shown by the last state or federal census or by any special census taken by the city in the manner prescribed in section 7485, Remington and Ballinger's Annotated Codes and Statutes of Washington, may become organized as a city under the provisions of this act by proceeding as hereinafter provided. [See chapters VII, XI, XII, and XV, title LX, Rem.-Bal. for general provisions relating to cities.]

SEC. 2. Upon petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election of any such city, the mayor shall by proclamation, submit the ques- Twenty-five per cent.

tion of organizing as a city under this act at a special election to be held at a time specified therein, and within sixty days after said petition is filed. If said plan is not adopted at the special election called, the question of adopting said plan shall not be re-submitted to the voters of said city for adoption within two years thereafter.

At such election the proposition to be submitted and printed on the ballot shall be: "Shall the proposition to organize the city of (name of city), under chapter (naming the chapter containing this act) of the acts of the Twelfth legislature of the State of Washington, be adopted?" and there shall be printed on the official ballots of said election the above proposition, followed by the words:

"For organization as a city under commission"

"Against organization as a city under commission"

and the election thereupon shall be conducted, the vote canvassèd, and the result declared in the same manner as provided by law in respect to other city elections. If the majority of the votes cast shall be in favor thereof, the city shall proceed to the election of a mayor and two commissioners, as hereinafter provided.

SEC. 3. All regular elections under this act shall be held triennially on the first Monday in December, at which time there shall be elected a mayor and two commissioners who, together, shall constitute and be known as the "City Commission," and who shall serve for a term of three years and until their successors shall be elected and qualified: *Provided*, That the first election hereunder shall be held within sixty days after the adoption of the proposition to organize under this act as provided for herein: *And provided further*, That the commission elected at the first election shall serve until the third Monday in December following such first election, and for three years thereafter.

SEC. 4. All existing laws governing cities of the second class or applicable thereto, not inconsistent with the provisions of this act, shall apply to and govern cities organized under this act. All by-laws, ordinances and resolu-

Form of
ballot.

Elections,
when held.

First
election.

Existing
laws apply.

tions lawfully passed and in force in any such city under its former organization shall remain in force until altered or repealed under the provisions of this act. The territorial limits of such city shall remain the same as under its former organization, and all rights and property of every description which were vested in any city under its former organization, shall vest in the same under the organization herein contemplated, and no right or liability either in favor of or against it, existing at the time, and no suit or prosecution of any kind, shall be affected by such change unless otherwise provided for in this act.

SEC. 5. If any vacancy occurs in the city commission the remaining members of said commission shall, by appointment, fill such vacancy for the unexpired term.

Vacancy,
how filled.

All of said officers shall be nominated and elected at large. They shall qualify and their terms of office shall begin on the second Monday after their election. The terms of office of the mayor or councilmen or aldermen of such city under the former organization shall terminate at the beginning of the term of office of the city commission elected under the provisions of this act, and the terms of office of all other officers of such city under such former organization, except as hereinafter provided, shall terminate as soon as the commission shall by resolution declare.

SEC. 6. Each member of the city commission shall, before qualifying, give a good and sufficient bond to the city in a sum equivalent to five times the amount of his annual salary, conditioned upon the faithful performance of the duties of his office, which said bond shall be approved by a judge of the superior court of the State of Washington for the county in which said city is located and filed with the clerk of said court. And said commission may, by resolution, require any of its appointees to give bond to be fixed and approved by said commission, and filed with the mayor.

Give bond.

SEC. 7. Candidates to be voted for at the first and at all regular municipal elections, under the provisions of this act, shall be a mayor and two commissioners, who shall be

Elections.

nominated at a primary election ; and no other names shall be placed upon the general ballot except those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the municipal election. The officers of election appointed for the municipal election shall be the officers of the primary election, which shall be held at the same place, so far as practicable, and the polls shall be opened and closed at the same hours as are required for the municipal election.

Becoming
candidate.

Any person desiring to become a candidate for mayor or commissioner shall, not less than 15 nor more than 25 days prior to said primary election, file with the city clerk a statement of such candidacy accompanied with the filing fee required by law, in substantially the following form :

State of Washington, County of....., ss.

I,, being first duly sworn, say that I reside at.....street, city of....., county of....., State of Washington; that I am a qualified voter therein; that I am a candidate for nomination to the office of.....of the city of....., to be voted upon at the primary election to be held on Monday, the.....day of December, 19.., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by
.....on this... day of....., 19..

(Signed)

File petition.

He shall at the same time file therewith the petition of at least one hundred qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, with street number, of each of the persons so signing the said petition, and the said petition shall be in substantially the following form :

PETITION ACCOMPANYING NOMINATION STATEMENT.

The undersigned, duly qualified electors of the city of, and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for at the primary election to be held in such city on Monday, the day of December, 19 We further state that we know him to be a qualified elector of said city and a person of good moral character and qualified, in our judgment, for the duties of such office.

Form of petition.

- Names of qualified electors
- Number
- Streets

Immediately upon the expiration of the time for filing the statements and petitions for candidates, the city clerk shall cause to be published over his signature for three successive days in all the daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballot, and if there be no daily newspapers, then in two issues of any other newspaper that may be published in said city. The said clerk shall thereupon cause the primary ballot to be printed. Upon the said ballot and under the ballot heading as hereinafter provided, the names of the candidates for mayor, arranged alphabetically, shall first be placed, with a square at the right of each name, and immediately above shall appear the words "Vote for one." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioners, with a square at the right of each name, and immediately above shall appear the words "Vote for two." The ballots shall be printed upon plain, substantial white paper and shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

Publish names.

Form of ballot.

OFFICIAL PRIMARY BALLOT.

Candidates for nomination for mayor and commissioners of at the

PRIMARY ELECTION.

(Date)

Place a cross in the square opposite the names of the parties you favor as candidates for the respective positions.

MAYOR

Vote for One.

.....	<input type="checkbox"/>
.....	<input type="checkbox"/>

COMMISSIONERS.

Vote for Two.

.....	<input type="checkbox"/>
.....	<input type="checkbox"/>

Having caused said ballots to be printed, the said city clerk shall cause to be delivered to each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election. The law applicable to challenges at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the city clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the said city clerk shall canvass said returns so received from all the polling precincts, and shall make and publish in all the newspapers of said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor, and the four candidates receiving the highest number of votes for commissioners, shall be placed upon the ballot as the candidates for mayor and commissioners, respectively, at the general municipal election.

Qualified voters.

Publish results.

All electors of cities under this act who by the laws of the State of Washington would be entitled to vote for the

election of officers at any general municipal election in such cities, shall be qualified to vote at all elections under this act and the ballot at such general municipal election shall be in the same general form as for such primary election, so far as applicable, and in all elections in such city the election precincts, voting places, method of conducting election, canvassing the votes and announcing the results shall be the same as by law provided for election of officers in such cities, so far as the same are applicable and not inconsistent with the provisions of this act.

Regular
form of
elections
followed.

SEC. 8. Any person who shall agree to perform any service in the interest of any candidate for any office provided for in this act, in consideration of any money or other valuable thing for such services performed in the interest of any candidate, shall be punished by a fine not exceeding three hundred dollars (\$300) nor less than twenty-five (\$25.00) or be imprisoned in the county jail not exceeding thirty (30) days, nor less than five (5) days, or by both such fine and imprisonment.

Penalties.

SEC. 9. Any person giving or offering to give a bribe, either in money or other thing of value, to any elector for the purpose of influencing his vote at any election provided for in this act, or any elector who shall solicit, receive or accept, such bribe or other thing of value, or any person making false answer under any of the provisions of this act relative to his qualifications to vote at said election, or any person wilfully voting or offering to vote at such election, who knowing himself not to be a qualified elector of such precinct where he offers to vote; or any person knowingly procuring, aiding or abetting any violating hereof, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined a sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and be imprisoned in the county jail not less than ten (10) nor more than ninety (90) days.

Soliciting,
bribing,
accepting,
and penalty.

SEC. 10. Each member of the city commission shall have the right to vote on all questions coming before the commission. Two members of the commission shall con-

Vote of
commission.

stitute a quorum, and the affirmative vote of two members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure, unless a greater number is provided for in this act. Upon every vote, the yeas and nays shall be called and recorded, and every motion, resolution or ordinance shall be reduced to writing and read before the vote is taken thereon. The mayor shall preside at all meetings of the commission; he shall have no power to veto any measure, but every resolution or ordinance passed by the commission must be signed by the mayor, or by two members of the commission, and be filed and recorded within five days after its passage, and the same shall be in effect from and after thirty days after its passage, except as otherwise provided.

SEC. 11. Cities organized under the provisions of this act shall have all the powers which cities of the second class now have, or hereafter may have conferred upon them; all which said powers shall inhere in and be exercised by the commission provided for in this act. The executive and administrative powers, authority and duties in such cities under commission, shall be distributed into and among three departments, as follows:

- I. Department of public safety.
- II. Department of finance and accounting.
- III. Department of streets and public improvements.

The commission shall determine by ordinance the powers and duties to be performed in each department; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as they may deem necessary or proper for the efficient and economical conduct of the business of the city.

SEC. 12. The mayor shall be superintendent of the department of public safety, and the commission shall, at the first regular meeting after election of its members, designate by majority vote one commissioner to be superin-

Powers
conferred.

Departments.

Duties of
mayor.

tendent of finance and accounting; and one to be superintendent of the department of streets and public improvements; but such designation may be changed whenever it appears that the public service would be benefited thereby.

The commission shall, at said first meeting, or as soon as practicable thereafter appoint by majority vote, a city clerk, and such other officers and assistants as shall be provided for by ordinance: *Provided*, That any officer or assistant, elected or appointed by the commission, may be removed from office at any time by vote of a majority of the members of the commission, except as otherwise provided in this act: *Provided further*, That any member of the commission may perform the duties pertaining to any and all appointive offices in his department, but without additional compensation therefor.

Removal
from office.

SEC. 13. The commission shall have power from time to time to create, fill and discontinue offices and employments other than those herein prescribed, according to their judgment of the needs of the city; and may, by majority vote of all the members, remove any such officer or employees, except as otherwise provided for in this act; and may by resolution, or otherwise, prescribe, limit or change the compensation of such officers or employees.

May change
compensation.

SEC. 14. The commission shall have and maintain an office at the city hall, or such other place as the city may provide, and their total compensation shall be as follows: In cities having a population of two thousand five hundred (2,500) and less than five thousand (5,000) the annual salary of the mayor shall be five hundred dollars (500), and that of each of the commissioners two hundred fifty dollars (\$250); in cities having a population of five thousand and less than eight thousand (8,000), the annual salary of the mayor shall be twelve hundred dollars (\$1,200), and that of each of the commissioners one thousand dollars (\$1,000); in cities having a population of eight thousand (8,000) and less than fourteen thousand (14,000), the annual salary of the mayor shall be two

Salaries.

thousand dollars (\$2,000), and that of each of the commissioners eighteen hundred dollars (\$1,800); and in cities having a population of fourteen thousand (14,000) and less than twenty thousand (20,000), the annual salary of the mayor shall be twenty-five hundred dollars (\$2,500), and that of each commissioner two thousand dollars (\$2,000). Such salaries shall be payable in equal monthly installments.

Other salaries.

Every other officer or assistant shall receive such salary or compensation as the commission shall fix by ordinance and shall be payable monthly or at such shorter periods as the commission shall determine.

Regular meetings.

SEC. 15. Regular meetings of the commission shall be held on the second Monday after the election of the commission, and thereafter at least once each week. The commission shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or two commissioners. All meetings of the commission, whether regular or special, shall be open to the public.

Open to public.

The mayor shall be president of the commission and preside at its meetings, and shall oversee all departments and report and recommend to the commission for its action all matters requiring attention in any department. The superintendent of the department of finance and accounting shall be vice-president of the commission, and in the absence or inability of the mayor, shall perform the duties of the mayor.

Vice-president.

Franchises.

SEC. 16. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and remain on file with the city clerk for public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended, except by ordi-

nance; and every franchise or grant for interurban or street railways, gas or water works, electric light or power plants, heating plants, telegraph or telephone systems, or other public service utilities within said city, must be authorized or approved by a majority of the electors voting thereon at a general or special election.

SEC. 17. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or claims or demands of any kind or nature whatsoever, or the profits thereof, or services to be furnished or performed for the city; and no officer or employee shall be interested directly or indirectly, in any contract or job for work or materials, or the profits thereof, or service to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officer or employee shall accept or receive directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. Any violation of the provisions of this section shall be a misdemeanor, and every such contract or agreement shall be void.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform; nor shall any free service to city officials provided for by any franchise or ordinance be affected by this section. Any appointive officer or employee of such city who, by solicitation or otherwise, shall exert his influence to induce other officers or employees of such city to favor any particular candidate

No part in contracts.

Special privileges under penalty.

Exceptions.

for any city office, or who shall in any manner contribute money, labor, or other valuable thing to any person for city election purposes, shall be discharged from his office by the commission.

Print
statement.

SEC. 18. The commission shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the newspapers of the city, and to persons who shall apply therefor at the office of the city clerk. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publications of statements of monthly expenditures.

May revise
appropriations.

SEC. 19. If, at the beginning of the term of office of the first commission elected in such city under the provisions of this act, the appropriations for the expenditures of the city government for the current fiscal year have been made, said commission shall have power, by ordinance, to revise said appropriations.

Removal.

SEC. 20. The holder of any elective office may be removed at any time after six months of incumbency by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five per centum of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers

Per cent.
required.

of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine and, from the registration books and the returns of the preceding municipal election, ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the commission shall allow him extra help for that purpose; and he shall attach to said petition his certificate, showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the commission without delay, and the commission shall order and fix a date for holding the said election, not less than thirty days nor more than sixty days from the date of the clerk's certificate to the commission that a sufficient petition is filed: *Provided, however,* That in any case where the clerk shall find that the petition is insufficient, or in any case where the commission shall refuse to order an election, then in either of such cases any taxpayer may petition the superior court of such county, and such court shall forthwith examine the petition and, if it shall find the petition sufficient, then the court shall order that such election shall be held and the commission shall be required by the order of the court to hold such election.

Make oath.

Clerk
check
signatures.New petition
filed.

The commission shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared, in all respects as are other city elections.

Publish
notice.

The commission shall call a special primary election for the purpose of nominating one candidate to oppose the incumbent sought to be removed, which said primary election shall be conducted, as nearly as may be, in the same manner as other primary elections under this act. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed shall be a candidate to succeed himself, unless he formally resigns his office, thereby creating a vacancy, and the city clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if the candidate opposing the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor, which said qualification shall take place within ten days after receiving notification of election, otherwise the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office and shall not be subject to recall under the provisions of this section during the remainder of his term of office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law.

May succeed himself.

Qualify in 10 days.

Ordinance submitted.

SEC. 21. Any proposed ordinance may be submitted to the commission by petition signed by electors of the city equal in number to the percentage hereinafter required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under section 20 hereof.

Contain 25 per cent.

If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding general election, and if it contains a request that the said ordinance be submitted to a vote of the people, unless passed by the commission, it shall thereupon be the duty of the commission to either:

(a) Pass said ordinance without alteration within

twenty days after attachment of the clerk's certificate to the accompanying petition; or

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the commission shall call a special election, unless a general municipal election will occur within ninety days thereafter, and at such special or general election such ordinance shall be submitted without alteration to the vote of the electors of said city.

Special
election,
when.

The ballots used for voting upon said ordinance shall be similar to those used at the general municipal election, and shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance); and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city, and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people, and on the margin of the record of such ordinances the city clerk shall write the words "Ordinance by petition No." or "Ordinance by vote of the people," as the case may be.

Ballot
to state.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose.

Number.

The commission may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any such succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at an election, the city clerk shall cause such ordinance or proposition to be published once in each of the daily newspapers in said city, such publication to be not more than

Publish
proposed
ordinance.

twenty or less than five days before the submission of such proposition or ordinance to be voted on: *Provided*, That if no daily newspaper is published in such city, then such publication shall be made in each of the weekly newspapers published therein.

All ordinances repealed or amended shall have placed on the margin of the record of said ordinance by the city clerk the words "repealed (or amended) by ordinance No." or "repealed (or amended) by vote of the people," as the case may be.

SEC. 22. No ordinance passed by the commission, except when otherwise required by the general laws of the State of Washington or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by unanimous vote of the commission, shall go into effect before thirty days from the time of its final passage, and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance be presented to the commission, said ordinance shall thereupon be suspended from going into operation, and it shall be the duty of the commission to reconsider such ordinance and if the same is not entirely repealed, the commission shall submit the ordinance as is provided by sub-section "b" of section 21 of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of section 21, and be examined and certified to by the clerk in all respects as therein provided: *Provided*,
 Exceptions. This section shall not apply to ordinances providing for local improvement districts.

Becomes
effective,
when.

SEC. 23. Any city which shall have operated for more than six years under the provisions of this act may abandon such organization hereunder and accept the provisions of the general law of the State of Washington applicable to cities of its population.

Upon the petition of not less than twenty-five per centum of the electors of such city a special election shall be called, to which the following proposition only shall be submitted: "Shall the city of (name of city) abandon its organization as a city under commission and become a city under the general laws governing cities of like population?"

Abandon
organization.

If a majority of the votes cast at such special election be in favor of such proposition the said city shall become organized under the general law and the first election of city officers under the general law shall be held on the date of the next general city election of cities of its class; but such change shall not in any manner or degree affect the property, rights, or liabilities of any nature of such city, but shall merely extend to such change in its form of government.

Effect of
change.

The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared, generally as provided by section 20 of this act, in so far as the provisions thereof are applicable.

SEC. 24. Petitions provided for in this act shall be signed by none but legal voters of the city. Each petition shall contain, in addition to the names of the petitioners, the street and house number in which the petitioner resides, his age and length of residence in the city. It shall also be accompanied by the affidavit of one or more legal voters of the city stating that the signers thereof were at the time of signing, legal voters of said city, and the number of signers at the time the affidavit was made.

Petitions
contain
what.

SEC. 25. An emergency exists and this act shall take effect immediately.

Emergency.

Passed by the Senate February 3, 1911.

Passed by the House March 4, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 117.

[S. S. B. 102.]

PUBLIC SERVICE COMMISSION LAW.

[This act specifically repeals §§8627 to 8661, inclusive, and §§8691 to 8716, inc., Rem.-Bal. See §109 infra for repeal. By implication, §§8682, 8684, 8688, 8689, 8690, 9305, 9306, Rem.-Bal. are repealed.]

AN ACT relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violation thereof, making an appropriation and repealing certain acts.

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

ARTICLE I.

PUBLIC SERVICE COMMISSION—GENERAL PROVISIONS.

SECTION 1. *Short Title.*

This act shall be known as the "Public Service Commission law," and shall apply to the public services herein described and the commission hereby created.

SEC. 2. *Public Service Commission: Appointment; Term; Removal.*

There shall be and there is hereby created, a public service commission consisting of three persons, one of whom shall be elected as chairman, to be appointed by the governor, by and with the advice and consent of the senate. The terms of the commissioners first appointed under the provisions of this act shall be, one for the term of six years, one for the term of four years, and one for the term of two years; and thereafter the term of each commissioner shall be six years from and after the expiration of the term of his predecessor. Each commissioner shall hold office until his successor shall have been appointed and qualified.

The governor may remove any commissioner for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice. If such commissioner shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his

Name.

Commission of three persons.

Removal.

findings thereon, together with a complete record of the proceedings, and there shall be no right to review of the same in any court whatsoever.

The governor shall fill all vacancies in the office of commissioner by appointment, and the person so appointed shall fill out the unexpired term of his predecessor.

Vacancies,
how filled.

SEC. 3. *Qualifications; Oath; Bond; and Compensation.*

No commissioner shall hold any other office under the government of the United States or of this state, or of any county or municipal corporation within this state, nor shall he engage in any occupation or business inconsistent with his duties as such commissioner, nor shall he hold any official relation or be interested in the bonds, stocks, mortgages, securities, contracts or earnings of any public service company embraced within the provisions of this act.

Before entering upon the duties of his office he shall take and subscribe an oath of office, to the effect that he will support the constitution of the United States and the constitution and laws of the State of Washington, and faithfully and impartially discharge the duties of his office as required by law, and that he is not interested, directly or indirectly, in any public service company embraced within the provisions of this act, or any of its bonds, stocks, mortgages, securities, contracts or earnings.

Oath of
office.

Before entering upon the duties of his office, each commissioner shall give a surety company bond (the cost of said bond to be paid by the state) in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties.

Give bond.

Each commissioner shall receive an annual salary of five thousand dollars payable in the same manner as the salaries of other state officers.

Salary.

SEC. 4. *Secretary.*

The commission shall have a secretary to be appointed by it and hold office at its pleasure. The secretary shall keep full and accurate minutes of all transactions and proceedings of the commission, and perform such duties as

Duty of
secretary.

may be required by the commission. He shall receive an annual salary of two thousand dollars.

SEC. 5. *Duties of Attorney General.*

Duty of
attorney
general.

It shall be the duty of the attorney general to represent and appear for the people of the State of Washington and the commission in all actions and proceedings involving any question under this act, or under or in reference to any act or order of the commission; and it shall be the duty of the attorney general generally to see that all laws affecting any of the persons or corporations herein enumerated are complied with, and that all laws, the enforcement of which devolves upon the commission, are enforced, and to that end he is authorized to institute, prosecute and defend all necessary actions and proceedings.

SEC. 6. *Organization; Meetings; Official Seal; Employees; Expenses and Reports.*

Commission
office, where
located.

The office of the commission shall be at the state capital, where the commission shall reside. The commission shall at all times be open and in session for the transaction of business. They shall be known collectively as "The Public Service Commission of Washington" and shall adopt and use an official seal.

Rate clerk
and engineer.

The commission may appoint an expert rate clerk and statistician at a salary of not to exceed three thousand dollars (\$3,000) per annum, an engineer at a salary of not to exceed three thousand dollars (\$3,000) per annum, an inspector of safety appliances at a salary of not to exceed three thousand dollars (\$3,000) per annum, an expert accountant at a salary not to exceed eighteen hundred dollars (\$1,800) per annum, a stenographer competent to report hearings at a salary of not to exceed eighteen hundred dollars (\$1,800) per annum, and such engineers, inspectors, accountants, experts, clerks, and other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

Salaries.

Employees
take oath.

All employees of the commission shall take an oath before entering upon the discharge of their duties, to faithfully and impartially discharge the duties of their several offices.

The commissioners, secretary, and other employees of the commission shall be entitled to receive from the state their actual necessary expenses when traveling on the business of the commission.

The commission is authorized to procure all necessary books, maps, charts, stationery, instruments, office furniture and other appliances deemed by the commission necessary.

Maps,
charts.

All proceedings of the commission, and all documents and records in its possession, shall be public records. The commission shall make and submit to the governor an annual report containing full and complete accounts of the transactions and proceedings of its office, together with the information gathered by the commission as herein required, and such other facts, suggestions and recommendations as may be by it deemed necessary, which report shall be published as the reports of the heads of departments.

Annual
report.

SEC. 7. *Quorum; Powers of a Commissioner.*

A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold hearings at any time or place within or without the state. Any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner. All investigations, inquiries and hearings of a commissioner shall be and be deemed to be the investigations, inquiries and hearings of the commission, and all findings, orders or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the findings, orders or decisions of the commission.

Quorum.

Findings.

SEC. 8. *Definitions.*

The term "commission," when used in this act, means the public service commission hereby created.

Defining
terms.

The term "commissioner," when used in this act, means one of the members of such commission.

Corporation. The term "corporation," when used in this act, includes a corporation, company, association or joint stock association.

Person. The word "person," when used in this act, includes an individual, a firm or copartnership.

Street railroad. The term "street railroad," when used in this act, includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

Railroad. The term "railroad," when used in this act, includes every railroad, other than a street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

Street railroad company. The term "street railroad company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

Terms defined. The term "railroad company," when used in this act, includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

The term "express company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

Express
company.

The term "common carrier," when used in this act, includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

Common
carrier.

The term "gas plant," when used in this act, includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas (natural or manufactured) for light, heat or power.

Gas plant.

The term "gas company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

Gas
company.

The term "electric plant," when used in this act, includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

Defining
terms.

Electrical
company.

The term "electrical company," when used in this act, includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state.

Transportation of
property.

The term "transportation of property," when used in this act, includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

Transportation of
persons.

The term "transportation of persons," when used in this act, includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

Service.

The term "service," is used in this act in its broadest and most inclusive sense.

Telephone
company.

The term "telephone company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire within this state.

Telephone
line.

The term "telephone line," when used in this act, includes conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any telephone company to facilitate the business of affording telephonic communication.

Telegraph.

The term "telegraph company," when used in this act, includes every corporation, company, association, joint

stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.

The term "telegraph line," when used in this act, includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph.

Telegraph
line.

The term "water system," when used in this act, includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

Water
system.

The term "water company," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating or managing any water system for hire within this state.

Water
company.

The term "vessel," when used in this act, includes every species of water craft, by whatsoever power operated, for the public use in the conveyance of persons or property for hire over and upon the waters within this state (excepting row boats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five gross tons propelled by gas, fluid, naphtha or electric motors).

Vessel.

The term "steamboat company," when used in this act, includes every corporation, company, association, joint

Steamboat
company.

stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

Dock,
wharf.

The term "dock" or "wharf," when used in this act, includes any and all structures at which any steamboat, vessel or other water craft lands for the purpose of receiving or discharging freight from or for the public, together with any building or warehouse used for storing such freight for the public for hire.

Warehouse.

The term "warehouse," when used in this act, includes any building or structure in which freight is received for storage from the public for hire, intended for shipment or discharged by any water craft.

Wharfinger.

The term "wharfinger" or "warehouseman," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, operating or managing any dock, wharf or structure where steamboats, vessels or other water craft land for the purpose of discharging freight for the public, and where such freight is received on such dock, wharf or structure for the public for hire within this state.

Public
service
company.

The term "public service company," when used in this act, includes every common carrier, gas company, electrical company, water company, telephone company, telegraph company, wharfinger and warehouseman as such terms are defined in this section.

ARTICLE II.

PROVISIONS RELATING TO COMMON CARRIERS.

SEC. 9. *Charges; Duties of Common Carriers.*

Charges.

All charges made for any service rendered or to be rendered in the transportation of persons or property, or in connection therewith, by any common carrier, or by any two or more common carriers, shall be just, fair, reasonable and sufficient.

Every common carrier shall construct, furnish, maintain and provide safe, adequate and sufficient service fa-

cilities, trackage, sidings, railroad connections, industrial and commercial spurs and equipment to enable it to promptly, expeditiously, safely and properly receive, transport and deliver all persons or property offered to or received by it for transportation, and to promote the safety, health, comfort and convenience of its patrons, employees and the public.

Adequate facilities.

All rules and regulations issued by any common carrier affecting or pertaining to the transportation of persons or property shall be just and reasonable.

SEC. 10. *Duty of Carriers and Persons to Expedite Traffic.*

Every common carrier shall under reasonable rules and regulations promptly and expeditiously receive, transport and deliver all persons or property offered to or received by it for transportation. All persons receiving cars for loading shall promptly and expeditiously load the same, and all persons receiving property shall promptly and expeditiously receive and remove the same from the cars and freight rooms.

Prompt service.
[See §§8688, 8689, 8690, Rem.-Bal. See note to title.]

SEC. 11. *Distribution of Cars.*

Every railroad company shall upon reasonable notice, furnish to all persons and corporations who may apply therefor and offer property for transportation sufficient and suitable cars for the transportation of such property in car load lots. In case at any particular time a railroad company has not sufficient cars to meet all the requirements for transportation of property in carload lots, all cars available for such purpose shall be distributed among the several applicants therefor, without unjust discrimination between shippers, localities or competitive or non-competitive points.

Distribution.

Discrimination not shown.

SEC. 12. *Railroads Shall Keep a Distributing Book.*

Every railroad company shall keep, subject to the inspection of any *bona fide* shipper, a book or books known as "car distributing book," which shall be kept by such officer or officers, employees of such railroad, and in such manner and form as the commission shall direct, show-

Distributing book.

ing among other things all orders for cars received by such railroad company, the name of the person ordering the same, the time when and place where such cars are required, the time when and place where such cars were supplied, and such other matters and information as the commission may prescribe.

SEC. 13. *Switch and Side Track Connections.*

Switch
connection.

A railroad company upon the application of any shipper shall construct, maintain and operate upon reasonable terms a switch connection or connections with a lateral line of railway or private side track owned, operated or controlled by such shipper, and shall upon the application of any shipper, provide upon its own property a side track and switch connection with its line of railway, whenever such a side track and switch connection is reasonably practicable, and can be put in with safety and the business therefor is sufficient to justify the same.

SEC. 14. *Tariff Schedules; Publication.*

Tariff
schedules.

Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classification for the transportation of persons and property within the state between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated or controlled by it; and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other common carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print and keep open to the public inspection, as aforesaid, the separately established rates, fares, charges and classifications, applied to the through transportation. The schedules printed as aforesaid, shall plainly state the places between which property and persons will be carried, and shall also contain classification

General
information
of schedule.

of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in anywise change, affect, or determine any part, or the aggregate of, such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation, when such station or office is in charge of any agent, and in every station or office of such carrier where passenger tickets for transportation or tickets covering sleeping or parlor car or other train accommodation are sold or bills of lading or receipts for property are issued. All or any of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person and that the agent will assist any such person to determine from such schedules any transportation rates or fares or rules or regulations which are in force shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of railroad companies as nearly as may be to the form of schedules required by the interstate commerce commission under the act of congress entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory thereof and supplementary thereto.

The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of such schedules as may be found expedient, and to modify the requirements of this section

Classification.

Produced on demand.

Agent to assist.

Prescribe changes.

in respect to publishing, posting and filing of schedules either in particular instances or by general rule or order applicable to special or peculiar circumstances or conditions.

The commission may, in its discretion, suspend the operation of this section in whole or in part as applied to vessels engaged in jobbing business not operating on regular routes.

SEC. 15. *Changes in Schedule; Notice Required.*

Unless the commission otherwise orders no change shall be made in any classification, rate, fare, charge, rule or regulation which shall have been filed and published by a common carrier in compliance with the preceding section, except after thirty days' notice to the commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, classification, fare or charge will go into effect; and all proposed changes shall be shown by printing, filing and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may by order allow changes in rates without requiring the thirty days' notice and the publication herein provided for. When any change is made in any rate, fare, charge, classification, rule or regulation, the effect of which is to increase any rate, fare or charge then existing, attention shall be directed to such increase by some character on the copy filed with the commission immediately preceding or following the item in such schedule, such character to be designated by the commission.

SEC. 16. *Concurrence in Joint Tariffs; Contracts, Agreements or Arrangements Between Carriers.*

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or ap-

Notice of
change
required.

Commission
may allow
changes.

Concurrence.

proved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies of the tariffs in which they are named as parties.

Every common carrier shall file with the commission copies of every contract, agreement or arrangement with any other common carrier or common carriers relating in any way to the transportation of persons or property.

SEC. 17. *Common Carriers To File Interstate Tariffs.*

Every common carrier shall print and file or cause to be filed with the commission schedules showing the rates, fare, charges and classifications for the transportation of persons and property between all points within the state and all points without the state upon its route, and between each point within the state and all points without the state upon every route leased, operated or controlled by it, and between each point upon its route within the state and all points without the state upon the route of any common carrier, whenever a through route and joint rate shall have been established between any two such points. If no joint rate over a through route has been established, the carrier operating within this state shall print and file with the commission the separately established rates, fares, charges and classifications applied to the through transportation. The schedules printed aforesaid shall plainly state the places between which property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges or other charges which the commission may require to be stated, all privileges granted or allowed, and any rules or regulations which may in any wise change, affect or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper or consignee.

Interstate
tariffs.

Where no
joint rate
exists.

SEC. 18. *Published Rates to be Charged; Free or Reduced Transportation.*

No common carrier shall charge, demand, collect or receive a greater or less or different compensation for trans-

Uniform
schedule
of charges.

No free
tickets.

May carry
whom and
when.

portation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, its officers, agents, surgeons, physicians and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees, postoffice inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: *Provided*, That this provision shall not be construed to prohibit the inter-

change of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *And provided, further*, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: *Provided, further*, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the widows during widowhood and minor children during minority, of persons who died while in the service of any such common carrier: *And provided, further*, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: *And provided, further*, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Employee defined.

Mileage and commutation tickets.

Common carriers subject to the provisions of this act may carry, store or handle, free or at reduced rates, prop-

erty for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Free or reduced rates on what.

Nothing in this act shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

SEC. 19. *Railroads Shall Have Scales.*

It shall be the duty of all railroads operating in this state, to provide suitable facilities for the testing of all track scales used by such railroads. The commission is hereby authorized, after a hearing, upon its own motion and after notice to the railroads operating in this state, to order a suitable car or other device or facility to be provided by the railroad companies operating in this state, to be used in testing the track scales used by such railroads, the expenses of providing such car, device or facility to be equitably and reasonably apportioned among the different railroad companies by the commission. Such car, device or facility shall be used by the commission to test the accuracy of all track scales, and the different railroad companies shall transport and move such car, device or facility without charge therefor, to the different places designated by the commission under such reasonable rules and regulations as the commission may prescribe. Such car, device or facility may be used in adjoining states to test the scales of railroad companies and for that purpose may be taken beyond the limits of the state under such reasonable rules and regulations for the due care and return thereof as the commission may prescribe. The commission is hereby authorized to pre-

Scales provided.

Scales tested.

scribe and collect a reasonable fee sufficient to cover the cost and expenses connected therewith for the inspection and testing of all scales. Fee.

SEC. 20. *Unjust Discrimination.*

No common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered in the transportation of persons or property, except as authorized in this act, than it charges, demands, collects or receives from any person or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic under the same or substantially similar circumstances and conditions. No rebate.

SEC. 21. *Unreasonable Preference.*

No common carrier shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. Unreasonable preference.

SEC. 22. *Long and Short Haul.*

No common carrier, subject to the provisions of this act, shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates, subject to the provisions of this act; but this shall not be construed as authorizing any such common carrier to charge and receive as great a compensation for a shorter as for a longer distance or haul. Upon application of a common carrier the commission may by order authorize it to charge less for a longer than for a shorter distance for the trans- Long and short haul.

Commission
may au-
thorize.

portation of persons or property in special cases after investigation by the commission, but the order must specify and prescribe the extent to which the common carrier making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any common carrier be relieved from the operation and requirements of this section.

SEC. 23. *False Billing, &c., by Carrier or Shipper.*

False
billing.

No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall assist, suffer or permit any person or corporation to obtain transportation for any person or property between points within this state at less than the rates then established and in force in accordance with the schedules filed and published in accordance with the provisions of this act, by means of false billing, false classification, false weight or weighing, or false report of weight, or by any other device or means. No person, corporation, or any officer, agent or employee of a corporation, who shall deliver property for transportation within the state to a common carrier, shall seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor, as aforesaid, by false billing, false or incorrect classification, false weight or weighing, false representation of the contents or substance of a package, or false report or statement of weight, or by any device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees.

False
reporting.

No person, corporation, or any officer, agent or employee, of a corporation, shall knowingly or wilfully, directly or indirectly, by false statement or representation as to the cost, value, nature or extent of injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit or deposition, **knowing the same to be false, fictitious or fraudulent, or to upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate**

or payment for damage, or otherwise, in connection with or growing out of the transportation of persons or property, or agreement to transport such persons or property, whether with or without the consent or connivance of such common carrier or any of its officers, agents or employees, whereby the compensation of such carrier for such transportation shall be in fact made less than the rates then established and in force therefor.

Established
rate only
applied.

No person, corporation, or any officer, agent or employee of a corporation, who shall deliver property for transportation within the state to a common carrier, shall seek to obtain or obtain such transportation by any false representation, false statement or false paper or token as to the contents or substance thereof, where the transportation of such property is prohibited by law.

Misrepresent
consignment.

SEC. 24. *Discrimination Prohibited; Connecting Lines.*

Every railroad company shall, under such regulations as may be prescribed by the commission, afford all reasonable, proper and equal facilities for the interchange of passengers, tonnage and cars, loaded or empty, between the lines, owned, operated, controlled or leased by it and the lines of every other railroad company; and shall, under such regulations as the commission may prescribe, receive and transport, without delay or discrimination, the passengers, tonnage and cars, loaded or empty, of any connecting line of railroad: *Provided*, That perishable freight of all kinds and livestock shall have precedence of shipment. Every railroad company as such is required to receive from every other railroad company at a connecting point the tonnage carried by such other railroad company in the cars in which the same may be loaded, and haul the same through to the point of destination if the destination be upon a line owned, operated or controlled by such railroad company, or, if the destination be upon the line of some other railroad company, to haul such tonnage in such cars through to the connecting point upon the line operated, owned, controlled or leased by it by way of route over which such car is billed, and there deliver the

Discrimina-
tion pro-
hibited.

Perishable
freight.

same to the next connecting carrier under such regulations as the commission may prescribe.

SEC. 25. *Fares and Transfers on Street Railroads.*

Fares and transfers.

Transfers.

No street railroad company shall charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town. Every street railroad company shall upon such terms as shall be just and reasonable, furnish to its passengers transfers entitling such passengers to one continuous trip over and upon portions of its lines within the same city or town not reached by the originating car.

ARTICLE III.

PROVISIONS RELATING TO GAS COMPANIES, ELECTRICAL COMPANIES AND WATER COMPANIES.

SEC. 26. *Duties of Gas, Electrical and Water Companies.*

Reasonable charges.

All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

Efficient service.

Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

Safety to employees.

Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

SEC. 27. *Gas, Electrical and Water Companies Shall File Schedules.*

Every gas company, electrical company and water company shall file with the commission and shall print and

keep open to public inspection schedules in such form as the commission may prescribe, showing all rates and charges made, established or enforced, or to be charged or enforced, all forms of contract or agreement, all rules and regulations relating to rates, charges or service, used or to be used, and all general privileges and facilities granted or allowed by such gas company, electrical company or water company.

File
schedule.

SEC. 28. *Change in Schedule; Notice Required.*

Unless the commission otherwise orders, no change shall be made in any rate or charge or in any form of contract or agreement or in any rule or regulation relating to any rate, charge or service, or in any general privilege or facility which shall have been filed and published by a gas company, electrical company or water company in compliance with the requirements of the preceding section, except after thirty days' notice to the commission and publication for thirty days, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect and all proposed changes shall be shown by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may allow changes without requiring the thirty days' notice by duly filing, in such manner as it may direct, an order specifying the changes so to be made and the time when it shall take effect. All such changes shall be immediately indicated upon its schedules by the company affected. When any change is made in any rate or charge, form of contract or agreement, or any rule or regulation relating to any rate or charge or service, or in any general privilege or facility, the effect of which is to increase any rate or charge, then in existence, attention shall be directed on the copy filed with the commission to such increase by some character immediately preceding or following the item in such schedule, such character to be in form as designated by the commission.

Notice
required.

Publication
of changes
proposed.

SEC. 29. *Published Rates to be Charged; Exceptions.*

Publish
rates.

No refund.

Employee
defined.

No gas company, electrical company or water company shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such service as specified in its schedule filed and in effect at the time, nor shall any such company directly or indirectly refund or remit in any manner or by any device any portion of the rates or charges so specified, or furnish its product at free or reduced rates except to its employees and their families, and its officers, attorneys, and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: *Provided*, That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company; and the term "families," as used in this paragraph, shall include the families of those persons named in this proviso, the families of persons killed or dying in the service, also the families of persons killed, and the widows during widowhood, and the minor children during minority of persons who died while in the service of any of the companies named in this paragraph: *And provided, further*, That water companies may furnish free or at reduced rates water for the use of the state, or for any any project in which the state is interested.

Uniform
service and
privileges.

No gas company, electrical company or water company shall extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are regularly and uniformly extended to all persons and corporations under like circumstances.

SEC. 30. *Unreasonable Preference.*

No gas company, electrical company or water company shall make or grant any undue or unreasonable preference

or advantage to any person, corporation, or locality, or to any particular description of service in any respect whatsoever, or subject any particular person, corporation or locality or any particular description of service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

No prefer-
ence.

SEC. 31. *Unjust Discrimination.*

No gas company, electrical company or water company shall, directly or indirectly, or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for gas, electricity or water, or for any service rendered or to be rendered, or in connection therewith, except as authorized in this act, than it charges, demands, collects or receives from any other person or corporation for doing a like or contemporaneous service with respect thereto under the same or substantially similar circumstances or conditions.

Unjust dis-
crimination.

SEC. 32. *Sliding Scale of Charges.*

Nothing in this act shall be taken to prohibit a gas company, electrical company or water company from establishing a sliding scale of charges, whereby a greater charge is made per unit for a lesser than a greater quantity for gas, electricity or water, or any service rendered or to be rendered.

Sliding
scale.

SEC. 33. *Distribution Without Discrimination.*

Every gas company, electrical company or water company, engaged in the sale and distribution of gas, electricity or water, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity and water as demanded.

Uniform
distribution
and service.

SEC. 34. *Existing Contracts—Effect.*

Nothing in this act shall be construed to prevent any gas company, electrical company or water company from continuing to furnish its product or the use of its lines,

Existing
contracts.

equipment or service under any contract or contracts in force at the date this act takes effect, or upon the taking effect of any schedule or schedules of rates subsequently filed with the commission, as herein provided, at the rates fixed in such contract or contracts: *Provided*, That the commission shall have power, in its discretion, to direct by order that such contract or contracts shall be terminated by the company party thereto, and thereupon such contract or contracts shall be terminated by such company as and when directed by such order: *Provided further*, That the commission shall have no power to order the termination of any contract relating to the furnishing of water for irrigation or irrigation and domestic use, where such contract is based upon a consideration passing at the time of the execution of such contract.

Commission
may end
contracts.

ARTICLE IV.

PROVISIONS RELATING TO TELEPHONE AND TELEGRAPH LINES.

SEC. 35. *Charges and Service of Telephone and Telegraph Companies.*

All rates, tolls, contracts and charges, rules and regulations of telephone and telegraph companies, for messages, conversations, services rendered and equipment and facilities supplied, whether such message, conversation or service to be performed be over one company or line or over or by two or more companies or lines, shall be fair, just, reasonable and sufficient, and the service so to be rendered any person, firm or corporation by any telephone or telegraph company shall be rendered and performed in a prompt, expeditious and efficient manner and the facilities, instrumentalities and equipment furnished by it shall be safe, kept in good condition and repair, and its appliances, instrumentalities and service shall be modern, adequate, sufficient and efficient.

Telephone
service.

Every telephone and telegraph company operating in this state shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for

Buildings
provided.

the accommodation, comfort and convenience of its patrons and employees.

Every telephone company shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto suitable and proper facilities and connections for telephonic communication and furnish telephone service as demanded.

Furnish
service.

SEC. 36. *Tariff Schedule; Publication.*

Every telephone and telegraph company shall file with the commission and shall print and keep open to public inspection at such points as the commission may designate, schedules showing the rates, tolls, rentals, contracts and charges of such companies for messages, conversations and services rendered and equipment and facilities supplied for messages and services to be performed within the state between each point upon its line and all other points thereon, and between each point upon its line and all points upon every other similar line operated or controlled by it, and between each point on its line or upon any line leased, operated or controlled by it and all points upon the line of any other similar company, whenever a through service and joint rate shall have been established or ordered between any two such points. If no joint rate covering a through service has been established, the several companies in such through service shall file, print and keep open to public inspection as aforesaid the separately established rates, tolls, rentals, contracts and charges applicable for such through service. The schedules printed as aforesaid shall plainly state the places between which telephone or telegraph service, or both, will be rendered, and shall also state separately all charges and all privileges or facilities granted or allowed, and any rules or regulations or forms of contract which may in any wise change, affect or determine any of the aggregate of the rates, tolls, rentals or charges for the service rendered. A schedule shall be plainly printed in large type, and a copy thereof shall be kept by every telephone company and telegraph company readily accessible to and for convenient inspection by

Schedules
published.

Joint rate
published.

Schedule
for public
use.

the public at such places as may be designated by the commission, which schedule shall state the rates charged from such station to every other station on such company's line, or on any line controlled and used by it within the state. All or any of such schedules kept as aforesaid shall be immediately produced by such telephone company or telegraph company upon the demand of any person. A notice printed in bold type, and stating that such schedules are on file and open to inspection by any person, the places where the same are kept, and that the agent will assist such person to determine from such schedules any rate, toll, rental, rule or regulation which is in force shall be kept posted by every telephone company and telegraph company in a conspicuous place in every station or office of such company.

Posted conspicuously.

SEC. 37. *Changes in Schedules.*

Unless the commission otherwise orders, no change shall be made in any rate, toll, rental, contract or charge, which shall have been filed and published by any telephone or telegraph company in compliance with the requirements of the preceding section, except after thirty days' notice to the commission and publication for thirty days as required in the case of original schedules in the preceding section, which notice shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, toll, contract or charge will go into effect, and all proposed changes shall be shown by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission for good cause shown may allow changes in rates, charges, tolls, rentals or contracts without requiring the thirty days' notice and publication herein provided for, by an order specifying the change so to be made and the time when it shall take effect, and the manner in which the same shall be filed and published. When any change is made in any rate, toll, contract, rental or charge, the effect of which is to increase any rate, toll, rental or charge then existing, attention shall be directed on the copy filed

Changes in schedules.

May order change.

with the commission to such increase by some character immediately preceding or following the item in such schedule, which character shall be in such form as the commission may designate.

SEC. 38. *Concurrence in Joint Tariffs; Contracts, Agreements or Arrangements Between Telephone and Telegraph Companies.*

The names of the several companies which are parties to any joint rates, tolls, contracts or charges of telephone companies and telegraph companies for messages, conversations and service to be rendered shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the companies filing the same to also file copies of the tariff in which they are named as parties.

Joint
tariffs.

SEC. 39. *Telephone and Telegraph Companies Shall Furnish Copies of Contracts.*

Every telephone and telegraph company shall file with the commission, as and when required by it, a copy of any contract, agreement or arrangement in writing with any other telephone company or telegraph company, or with any other corporation, association or person relating in any way to the construction, maintenance or use of a telephone line or telegraph line or service by, or rates and charges over and upon, any such telephone line or telegraph line.

Copies of
contracts.

SEC. 40. *Schedule Rate to be Charged; Exceptions.*

No telephone or telegraph company shall charge, demand, collect or receive different compensation for any service rendered or to be rendered than the charge applicable to such service as specified in its schedule on file and in effect at that time, nor shall any telephone company or telegraph company refund or remit, directly or indirectly, any portion of the rate or charge so specified, nor extend to any person or corporation any form of con-

Uniform
charges.

No rebate.

tract or agreement or any rule or regulation or any privilege or facility except such as are specified in its schedule filed and in effect at the time, and regularly and uniformly extended to all persons and corporations under like circumstances for like or substantially similar service.

No telephone company or telegraph company subject to the provisions of this act shall, directly or indirectly, give any free or reduced service or any free pass or frank for the transmission of messages by either telephone or telegraph between points within this state, except to its officers, employees, agents, pensioners, surgeons, physicians, attorneys-at-law, and their families, and persons and corporations exclusively engaged in charitable and eleemosynary work, and ministers of religion, Young Men's Christian Associations, Young Women's Christian Associations; to indigent and destitute persons, and to officers and employees of other telephone companies, telegraph companies, railroad companies and street railroad companies.

Franks and passes.

SEC. 41. *Unjust Discrimination.*

No telegraph or telephone company shall, directly or indirectly, or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to communication by telegraph or telephone or in connection therewith, except as authorized in this act than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect to communication by telegraph or telephone under the same or substantially the same circumstances and conditions.

Uniform compensation.

SEC. 42. *Unreasonable Preference.*

No telegraph company or telephone company shall make or give any undue or unreasonable preference or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Unreasonable preference.

[See § 9306, Rem.-Bal.]

SEC. 43. *Existing Contracts; Effect.*

Nothing in this act shall be construed to prevent any telegraph company or telephone company from continuing to furnish the use of its line, equipment or service under any contract or contracts in force at the date this act takes effect or upon the taking effect of any schedule or schedules of rates subsequently filed with the commission, as herein provided, at the rates fixed in such contract or contracts: *Provided, however,* That the commission shall have power, in its discretion, to direct by order that such contract or contracts shall be terminated by the telephone company or telegraph company party thereto, and thereupon such contract or contracts shall be terminated by such telephone company or telegraph company as and when directed by such order.

Existing contracts.

SEC. 44. *Unjust Discrimination.*

No telephone or telegraph company subject to the provisions of this act shall charge or receive any greater compensation in the aggregate for the transmission of any long distance conversation or message of like kind for a shorter than for a longer distance over the same line, in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates subject to the provision of this act, but this shall not be construed as authorizing any such telephone company or telegraph company to charge and receive as great a compensation for a shorter as for a longer distance. Upon application of any telephone company or telegraph company the commission may, by order, authorize it to charge less for longer than for a shorter distance service for the transmission of conversation or messages in special cases after investigation, but the order must specify and prescribe the extent to which the telephone company or telegraph company making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any telephone company or telegraph company be relieved from the requirements of this section.

Long and short service.

Order must specify.

SEC. 45. *Transmission of Messages of Other Lines.*

Every telephone company or telegraph company operating in this state shall receive, transmit and deliver, without discrimination or delay, the messages of any other telephone or telegraph company.

Connecting lines.
[See § 9305, Rem.-Bal.]

ARTICLE V.

DUTIES OF WHARFINGERS AND WAREHOUSEMEN.

SEC. 46. *Charges, Duties of Wharfingers.*

All charges made for any service rendered or to be rendered in the receipt, storage or handling of property or in connection therewith by any wharfinger or warehouseman shall be just, fair, reasonable and sufficient. Every wharfinger or warehouseman shall furnish and supply such wharves, docks, buildings, service, instrumentalities and facilities as shall be safe, adequate and efficient and in all respects just and reasonable. All rules and regulations issued by any wharfinger or warehouseman affecting or pertaining to the dockage, storage, handling and care of property shall be just and reasonable. Every wharfinger and warehouseman shall construct and maintain such facilities in connection with his warehouse, wharf, dock and structure as will be efficient and safe to its employees and the public.

Duties of wharfinger and warehousemen.

SEC. 47. *Tariff Schedule; Publication.*

Every warehouseman or wharfinger shall file with the commission and shall print and keep open to the public inspection schedules in such form as the commission may prescribe, showing all rates and charges made, used or enforced, or to be charged or enforced, all forms of contract or agreement, all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such warehouseman or wharfinger.

Tariff schedule.

What to show.

SEC. 48. *Change in Schedule, Notice Required.*

Unless the commission otherwise orders, no change will be made in any rate or charge or in any form of contract or agreement or in any rule or regulation relating to any

Notice of change.

rate, charge or service, or in any general privilege or facility which shall have been filed and published by the wharfinger or warehouseman in compliance with the requirements of the preceding section, except by thirty days' notice to the commission and publication for thirty days, which schedule shall plainly state the changes to be made in the schedule then in force and the time when the change will go into effect, and all proposed changes shall be shown by printing, filing, and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to the public inspection. The commission for good cause shown may allow changes without requiring the thirty days' notice by duly filing in such manner as it may direct an order specifying the changes so to be made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedule by the warehouseman or wharfinger affected.

Publication.

SEC. 49. *Published Rates to Be Charged; Exceptions.*

No wharfinger or warehouseman shall charge, demand, collect, or receive a greater, less or different compensation for any service rendered or to be rendered, than the rates charged applicable to such service as specified in its schedule filed and in effect at the time. Nor shall any such wharfinger or warehouseman directly or indirectly refund or remit in any manner or by any device, any portion of the rate or charge so specified, or furnish dockage, wharfage or storage or free or reduced rates except to its employees and their families and its officers, attorneys and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: *Provided*, That the term "employees," as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of such wharfinger or warehouseman, and the term "families," as used in this section, shall include the families of those persons named in this

Published rate maintained.

Exceptions.

Employees defined.

proviso, also the families of persons killed or dying in the service, also the families of persons killed, and the widows, during widowhood, and the minor children during minority of persons who died while in the service of any such wharfinger or warehouseman.

Uniform
privileges.

No wharfinger or warehouseman shall extend to any person or corporation any form of contract or agreement, or any rule or regulation or any privilege or facility except as are regularly and uniformly extended to all persons and corporations under like circumstances.

SEC. 50. *Unreasonable Preference.*

Unreason-
able pref-
erence.

No wharfinger or warehouseman shall make or grant any undue or unreasonable preference or advantage to any person, corporation or locality, or to any particular description of service in any respect whatsoever, or subject any particular person, corporation or locality or any particular description of service or traffic to any undue or unreasonable prejudice or disadvantage in any respect whatever.

SEC. 51. *Unjust Discrimination.*

Unjust dis-
crimination.

No wharfinger or warehouseman shall, directly or indirectly or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for the wharfage, dockage or storage of property, or for any service rendered or to be rendered or in connection therewith, except as authorized by this act, than it charges, demands, collects or receives from any person or corporation for doing a like or contemporaneous service with respect thereto under the same or substantially similar circumstances and conditions.

SEC. 52. *Service Without Discrimination.*

Equal
treatment.

Every wharfinger or warehouseman shall upon demand furnish to all persons or corporations who may apply therefor and be reasonably entitled thereto suitable facilities for storing and transferring property from such warehouse, wharf, dock or structure, to any vessel and from any vessel to any such warehouse, wharf, dock or structure.

ARTICLE VI.

POWERS OF THE COMMISSION IN RELATION TO PUBLIC SERVICE COMPANIES.

SEC. 53. *Charges and Services to Be Fixed by Commission.*

Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, as herein provided, that the rates, fares or charges demanded, exacted, charged or collected by any common carrier for the transportation of persons or property within the state or in connection therewith, or that the regulations or practices of such common carrier affecting such rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in any wise in violation of the provisions of law, or that such rates, fares or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable or sufficient rates, fares or charges, regulations or practices to be thereafter observed and enforced and shall fix the same by order as hereinafter provided.

Commission
fix charges.

Whenever the commission shall find, after such hearing, that the rules, regulations, practices, equipment, appliances, facilities or service of any such common carrier in respect to the transportation of persons or property are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, adequate, sufficient and proper rules, regulations, practices, equipment, appliances, facilities or service to be observed, furnished, constructed or enforced and be used in the transportation of persons and property by such common carrier, and fix the same by its order or rule as hereinafter provided.

Commission
adjust
by order.

SEC. 54. *Charges and Service of Gas Companies, Electrical and Water Companies to Be Fixed by Commission.*

Whenever the commission shall find, after a hearing had upon its own motion, or upon complaint as herein provided, that the rates or charges demanded, exacted, charged or

Relating to
gas, water
and electric
companies.

collected by any gas company, electrical company or water company, for gas, electricity or water, or in connection therewith, or that the rules, regulations, practices or contracts affecting such rates or charges are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of the law, or that such rates or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable, or sufficient rates, charges, regulations, practices or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

Whenever the commission shall find, after such hearing, that the illuminating or heating power, purity or pressure of gas, the efficiency of electric lamp supply, the voltage of the current supplied for light, heat or power, or the purity, volume and pressure of water, supplied by any gas company, electrical company or water company, as the case may be, is insufficient, impure, inadequate or inefficient, it shall order such improvement in the manufacture, distribution or supply of gas, in the manufacture, transmission or supply of electricity, or in the storage, distribution or supply of water, or in the methods employed by such gas company, electrical company or water company, as will in its judgment be efficient, adequate, just and reasonable.

Order
efficient
service.

Whenever the commission shall find, after hearing, that any rules, regulations, measurements or the standard thereof, practices, acts or services of any such gas company, electrical company or water company are unjust, unreasonable, improper, insufficient, inefficient or inadequate, or that any service which may be reasonably demanded is not furnished, the commission shall fix the reasonable rules, regulations, measurements or the standard thereof, practices, acts or service to be thereafter furnished, imposed, observed and followed, and shall fix the same by order, or rule, as hereinafter provided.

Commission
fix rules.

SEC. 55. *Commission to Fix Charges and Service of Telephone and Telegraph Companies.*

Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, that the rates, charges, tolls or rentals demanded, exacted, charged or collected by any telegraph company or telephone company for the transmission of messages by telegraph or telephone, or for the rental or use of any telegraph line, telephone line or any telegraph instrument, wire, appliance, apparatus or device or any telephone receiver, transmitter, instrument, wire, cable, apparatus, conduit, machine, appliance or device, or any telephone extension or extension system, or that the rules, regulations or practices of any telegraph company or telephone company affecting such rates, charges, tolls, rentals or service are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of law, or that such rates, charges, tolls or rentals are insufficient to yield reasonable compensation for the service rendered, the commission shall determine the just and reasonable rates, charges, tolls or rentals to be thereafter observed and in force, and fix the same by order as hereinafter provided.

Relating to telegraph and telephone service.

Determine just rate.

Whenever the commission shall find, after such hearing that the rules, regulations or practices of any telegraph company or telephone company are unjust or unreasonable, or that the equipment, facilities or service of any telegraph company or telephone company is inadequate, inefficient, improper or insufficient, the commission shall determine the just, reasonable, proper, adequate and efficient rules, regulations, practices, equipment, facilities and service to be thereafter installed, observed and used, and fix the same by order or rule as hereinafter provided.

Order adequate service.

SEC. 56. *Charges and Service of Wharfingers and Warehouseman to Be Fixed by Commission.*

Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, as herein provided, that the rates or charges demanded, exacted, charged or collected by any wharfinger or warehouseman for the

Charges fixed by commission.

receipt, storage or handling of freight, or in connection therewith, or that the rules, regulations or practices affecting such rates or charges are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of law, or that such rates and charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable or sufficient rates, charges, rules, regulations or practices to be thereafter observed and in force, and shall fix the same by order as hereinafter provided.

Whenever the commission shall find, after such hearing, that the rules, regulations or practices of any wharfinger or warehouseman are unjust or unreasonable, or that the equipment, facilities or service of any wharfinger or warehouseman are inadequate, inefficient, improper, insufficient or unsafe, the commission shall determine the just, reasonable, proper, adequate, efficient and safe rules, regulations, practices, equipment, facilities and service to be thereafter installed, observed and used, and fix the same by order of the commission as hereinafter provided.

Order
efficient
service.

SEC. 57. *Joint Rates and Through Routes on Railroads.*

Whenever the commission shall be of opinion, after hearing had upon its own motion or upon complaint, that the rates and charges in force over two or more railroads, between any two points in the state, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate exists between such points, and that the public necessities and convenience demand the establishment of a through route and a joint rate between such points, the commission may order such railroads to establish such through route, and may establish and fix a joint rate which will be fair, just, reasonable and sufficient, to be followed, charged, enforced, demanded and collected in the future, and the commission may order that carload freight moving between such points shall be carried by the different companies, parties to such through route and joint rate,

Relating
to rates.

Orders of
commission.

without being transferred from the originating cars. In case no agreement exists between such railroads for the interchange of cars, then the commission, before making such order, shall be empowered to, and it shall be its duty, to make rules for the expeditious and safe return and proper compensation for the cars so loaded by the company or companies receiving the same.

SEC. 58. *Interstate Fares; Rates, Charges, Etc.*

The commission shall have power, and it is hereby made its duty, to investigate all interstate, rates, fares, charges, classifications or rules or practices in relation thereto, for or in relation to the transportation of persons or property or the transmission of messages or conversations, where any act in relation thereto shall take place within this state, and when the same are, in the opinion of the commission, excessive or discriminatory, or are levied or laid in violation of the act of congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, or in conflict with the rulings, orders or regulations of the interstate commerce commission, the commission shall apply, by petition, to the interstate commerce commission for relief, and may present to the interstate commerce commission all facts coming to its knowledge as to violations of the rulings, orders or regulations of that commission, or as to violations of the said act to regulate commerce or acts amendatory thereof and supplementary thereto.

Interstate rates and charges.

Commission petition.

SEC. 59. *Powers of Commission to Provide Rules for Expediting Traffic.*

The commission shall have, and it is hereby given, power to provide by proper rules and regulations the time within which all railroads shall furnish, after demand therefor, all cars, equipment and facilities for the handling of freight in carload and less than carload lots, and receiving, gathering and transporting, after demand, of all express packages and the delivery thereof at destination, the extent of free gathering and distributing limits for express packages in cities and towns, the distance that freight shall be

Provide rules for expediting traffic.

transported each day after receipt, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees and persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide the penalties to be paid to consignors and consignees for delays on the part of railroads to conform to such rules, and prescribe the penalty to be paid by consignors and consignees to railroads for failure to observe such rules.

SEC. 60. *Weighing of Freight; Scale Tests.*

Weighing
of freight.

The commission shall have power to enforce reasonable regulations for the weighing of cars and freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight on cars.

SEC. 61. *Track Connections.*

Track
connections.

Whenever the commission shall find, after a hearing made upon complaint or upon its own motion, that the public necessities and conveniences would be subserved by having track connections made, between any two or more railroads at any of the points hereinafter specified, the commission shall order any two or more railroads of the same or similar gauge to make physical connections at any and all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, and at all towns or cities where two or more railroads enter the limits of the same, so that the cars of any such railroad company may be speedily transferred from one railroad to another, and shall order whether the expense thereof shall be borne jointly or otherwise.

Expense,
how borne.

SEC. 62. *Side Track Connections.*

Side track.

Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, as herein provided, that application has been made by any shipper for a switching connection or connections with a lateral line of railway or private side track owned, operated or controlled by such shipper, or that application has been made by any shipper

for the installation of a side track upon the property of such railroad, and that such switch connection or side track is reasonably practicable, can be put in with reasonable safety, and the business therefor is sufficient to justify the same, and that the railroad company has refused to install or provide the same, the commission shall enter its order requiring such connection or the construction of such side track: *Provided*, Such shipper so to be served shall pay the legitimate cost and expense of constructing such connection or side track as shall be determined in separate items by the commission, and before the railroad company shall be compelled to incur any cost in connection therewith the same shall be secured to the railroad company in such manner as the commission may require. Whenever such lateral line of railway, private side track or side track upon the property of the railroad company shall be constructed under the provisions of this section, any person or corporation shall be entitled to connect therewith or use the same upon the payment to the shipper incurring the primary expense of a reasonable proportion of the cost thereof, to be determined by the commission after notice to the interested parties: *Provided*, That such connection can be made without unreasonable interference with the right of such shipper incurring the primary expense.

Providing
for cost.

Pay pro-
portion of
cost.

SEC. 63. *Investigation of Wrecks.*

Every public service company is hereby required to give immediate notice to the commission of every accident resulting in death or injury to any person occurring on its lines, plant or system, in such manner as the commission may prescribe. The commission may require reports to be made by any common carrier of all wrecks, collisions or derailments occurring on the line of any such common carrier. Such notice shall not be admitted as evidence or used for any purpose against such public service company giving such notice in any suit or action for damages growing out of any matter mentioned in such notice.

Notice of
accidents.

Investigate
accidents.

The commission is hereby authorized and directed to investigate all accidents that may occur upon the lines of any common carrier resulting in loss of life, to any passenger or employee, and may investigate any and all accidents or wrecks occurring on the line of any such common carrier, or any accident resulting in death or injury to any person occurring in connection with the plant or system of any public service company. Notice of such investigation shall be given in all cases for a sufficient length of time to enable the public service company affected to participate in the hearing, and such notice may be given orally or in writing, in such manner as the commission may prescribe.

Witnesses
examined.

Investigation
conducted
by whom.

Such witnesses may be examined as the commission may deem necessary and proper to thoroughly ascertain the cause of the accident or wreck and fix the responsibility therefor. Such examination and investigation may be conducted by the inspector or any deputy inspector, and such inspector or deputy inspector shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses, and when such examination is conducted by the inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

SEC. 64. Power of Commission to Order Repairs or Changes.

Order
repairs or
changes.

Whenever the commission shall, after a hearing had upon its own motion or upon complaint, find that, additional tracks, switches, terminals, terminal facilities, stations, motive power or any other property, apparatus, equipment, facilities or device for use by any common carrier in, or in connection with the transportation of persons or property, ought reasonably to be provided, or any repairs or improvements to, or changes in, any theretofore in use ought reasonably to be made, or any additions or changes in construction should reasonably be made thereto, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers

or property, the commission may, after a hearing, either on its own motion or after complaint, make and serve an order directing such repairs, improvements, changes or additions to be made.

SEC. 65. *Commission to Investigate Equipment, Track, &c.*

If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition.

Investigate equipment.

Prescribe rates of speed.

There shall be no appeal from or action to review any order of the commission made under the provisions of this section.

No action to review.

SEC. 66. *Safety Appliances; Fixing of Standards.*

Each locomotive on every railroad in this state shall be equipped with power driving wheel brakes and appliances for operating the train brake system, so equipped that the engineer on the locomotive drawing such train can control its speed without requiring brakeman to use the common hand brakes for that purpose, with couplers coupling automatically by impact, which can be coupled or uncoupled without the necessity of men going between the locomotive and the locomotive or car to which the same is being coupled or from which it is being uncoupled, and with proper flanges, sill steps and grab irons, or uncoupling

Safety appliances.

levers in lieu of such grab irons, and, excepting such as may be assigned to daylight runs or switching service exclusively, with electric headlights of approved design and capacity (except that locomotives may be operated without such headlight upon permission and order of the commission), with proper cocks, valves, pistons, valve stems and appliances which will prevent the escape of steam in such volume as to obstruct the view of the engineman operating such locomotive, and, in the case of locomotives used in the switching service, with proper foot-boards and toe boards, and with a headlight on each end, and with such other appliances, apparatus and machinery necessary for safe operation of the locomotive or the train to which the same is attached, as the commission may prescribe: *Provided*, That in case of emergency the commission may permit the use of road engines in switching service.

Switch
engine
equipment.

Each car shall be equipped with couplers coupling automatically, which can be coupled or uncoupled without the necessity of men going between the ends of the cars, with power brakes, with proper hand brakes, sill steps and grab irons, and, where secure ladders and running boards are required, with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders, and with such other appliances necessary for the safe operation of such cars, and the trains containing such cars, as may be prescribed by the commission: *Provided*, That in the loading and hauling of long commodities requiring more than one car, hand brakes may be omitted from all save one of the cars, while they are thus combined for such purpose: *And provided further*, That in the operation of trains not less than eighty-five per cent. of the cars in such train, which are associated together, shall have their power brakes used and operated by the engineer of the locomotive drawing such train.

Couplers.

Per cent.
necessary.

Every street car shall be equipped with proper and efficient brakes, steps, grab irons or hand rails, fenders or aprons or pilots, and with such other appliances, ap-

paratus and machinery necessary for the safe operation of such street car as the commission may prescribe.

The commission shall, as soon as practicable, after the taking effect of this act, designate the number, dimensions, location and manner of application of the appliance provided for herein, or such as may be prescribed by the commission, and shall give notice of such designation to all railroad companies and street railroad companies subject to the provisions of this act, by such means as the commission may deem proper, and thereafter such number, dimensions, location and manner of application as designated by the commission shall remain as the standards of equipment to be used on all cars and locomotives subject to the provisions of this act. The commission shall have power to add to, change or modify said standards of equipment at any time or to provide different standards under different circumstances and conditions: *Provided*, That the commission may, upon full hearing, for good cause, extend the period within which any railroad or street railroad may comply with the provisions of this section with respect to the equipment of locomotives or cars actually in service at the date of the passage of this act. The commission is hereby given authority to fix the time within which such modification or change shall become effective or obligatory. After the time so fixed it shall be unlawful to use any car, motor, or locomotive which does not comply with the standards so prescribed by the commission: *Provided*, That when any car, motor or locomotive shall have been properly equipped as provided in this act, and such equipment shall have become defective or insecure while such car, motor or locomotive was being used by such railroad company upon its line of railroad, such car, motor or locomotive may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car, motor or locomotive can be repaired, without liability for the penalties imposed herein if such movement is necessary to make such repairs, and such repairs cannot reasonably be made except at such repair

Commission
give notice.

May change
standards.

Defects
through
use.

point. Nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars in revenue trains, or in association with other cars that are commercially used, unless such defective cars contain livestock or perishable freight.

Operate no defective equipment.

Exceptions.

It shall be unlawful for any railroad company or street railroad company to use or operate any car, motor, locomotive or train that is defective, or any car, motor, locomotive or train upon which any appliance, machinery or attachment thereto belonging is defective, or to knowingly operate its train over any defective track, bridge or other structure, excepting in cases of emergency and under proper precautions: *Provided*, That this section shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks or of logging trucks and a passenger car or caboose at the rear end thereof, or of logging trucks and not to exceed five freight cars at the rear end thereof.

SEC. 67. *Duties of Inspector of Safety Appliances.*

Duties of inspector.

Report.

It shall be the duty of the inspector of tracks, bridges, structures, and equipment, and such deputies as may be appoints, to inspect all equipment, and appliances connected therewith, and all apparatus, tracks, bridges and structures, depots and facilities and accommodations connected therewith, and facilities and accommodations furnished for the use of employees, and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment or appliances connected therewith, rendering the use of such equipment dangerous, immediately report the same to the superintendent of the road on which it is found, and to the proper official at the nearest point where such defect is discovered, describing the defect. Such inspector may, on the discovery of any defect rendering the use of any car, motor or locomotive dangerous, condemn such car, motor or locomotive, and order the same out of service until repaired and put in good working order. He shall, on discovering any track, bridge or structure defective or unsafe in any

particular, report such condition to the commission, and, in addition thereto, report the same to the official in charge of the division of such railroad upon which such defect is found. In case any track, bridge or structure is found so defective as to be dangerous to the employees or public for a train or trains to be operated over the same, the inspector is hereby authorized to condemn such track, bridge or structure and notify the commission and the office in charge of the division of such railroad where such defect is found of his action concerning the same, reporting in detail the defect complained of, and the work or improvements necessary to repair such defect. He shall also report to the commission the violation of any law governing, controlling or affecting the conduct of public service companies in this state.

Inspector
may con-
demn.

Report
violations.

The inspector, or such deputies as may be appointed, shall have the right and privilege of riding on any locomotive, either on freight or passenger trains, or on the caboose of any freight train, for the purpose of inspecting the track on any railroad in this state: *Provided*, That the engineer or conductor in charge of any such locomotive or caboose may require such inspector to produce his authority, under the seal of the commission, showing that he is such inspector or deputy inspector.

Privileges
of inspector.

The inspector, or such deputy inspector or inspectors as may be appointed, shall, when required by the commission, inspect any street railroad, gas plant, electrical plant, water system, telephone line or telegraph line, and upon discovering any defective or dangerous track, bridge, structure, equipment, apparatus, machinery, appliance, facility, instrumentality or building, rendering the use of the same dangerous to the public or to the employees of the company owning or operating the same, report the same to the commission, and to the official in charge of such road, plant, system or line.

Report.

SEC. 68. *Safeguarding Frogs and Switches.*

Every railroad and street railroad operating in this state shall so adjust, fill, block and securely guard all

Frogs and
switches.
[See §§8682
and 8684,
Rem. Bal.]

frogs, switches and guard rails so as to protect and prevent the feet of persons being caught therein.

SEC. 69. *Trains Shall Stop at Railroad Crossings.*

All railroads and street railroads, operating in this state shall cause their trains and cars to come to a full stop at a distance not greater than five hundred (500) feet before crossing the tracks of another railroad crossing at grade, excepting at crossings where there are established signal towers and signal men, interlocking plants or gates.

SEC. 70. *Gas Plants, Electrical Plants and Water Systems; Repairs, Improvements and Changes.*

Gas plants,
electrical,
and water
systems.

Whenever the commission shall find, after hearing had upon its own motion or upon complaint, that repairs or improvements, to, or changes in, any gas plant, electrical plant or water system ought to be made, or that any additions or extensions should reasonably be made thereto, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for manufacturing, distributing or supplying gas, electricity or water, the commission may enter an order directing that such reasonable repairs, improvements, changes, additions or extensions of such gas plant, electrical plant or water system be made.

SEC. 71. *Telephone and Telegraph Companies; Repairs, Improvements and Changes.*

Relating to
telephone
and telegraph
companies.

Whenever the commission shall find, after a hearing had on its own motion or upon complaint, that repairs or improvements to, or changes in, any telegraph line or telephone line ought reasonably to be made, or that any additions or extensions should reasonably be made thereto in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for telegraphic or telephonic communications, the commission shall make and serve an order directing that such repairs, improvements, changes, additions or extensions be made in the manner to be specified therein.

SEC. 72. *Docks, Wharves and Warehouses; Repairs, Improvements and Changes.*

Whenever the commission shall find, after hearing had upon its own motion or upon complaint, that repairs or improvements to, or changes in, any dock, wharf or warehouse ought reasonably to be made, or that any additions or extensions should reasonably be made thereto in order to promote the security or adequate service or facilities for the receipt, storage or handling of freight, the commission shall make and serve an order directing that such repairs, improvements, changes, additions or extensions shall be made in the manner specified therein.

Docks,
wharves and
warehouses.

SEC. 73. *Physical Connections and Joint Rates Between Telephone and Telegraph Companies.*

Whenever the commission shall find that any two or more telephone companies, whose lines form a continuous line of communication, or could be made to do so by the construction and maintenance of suitable connections for the transfer of messages or conversations at common points between different localities which are not reached by the line of either company alone, and that such connections or facilities for the transfer of messages or conversations at common points can reasonably be made, an efficient service obtained and that a necessity exists therefor, or shall find that any two or more telegraph or telephone companies, have failed to establish joint rates or charges for service by or over their said lines, and that joint rates or charges ought to be established, the commission may, by its order, require such connection to be made, and that conversations be transmitted and messages transferred, and prescribe through lines and joint rates and charges to be made, and to be used, observed and in force in the future, and fix the same by order to be served upon the company or companies affected.

Connections
and rates.

SEC. 74. *Inspectors of Gas, Electric and Water Meters.*

The commission may appoint inspectors of gas and water meters whose duty it shall be when required by the commission to inspect, examine, prove and ascertain the

Gas, water
and electric
meters.

accuracy of any and all gas and water meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat or power, or the quantity of water furnished for any purpose by any public service company to or for the use of any person or corporation, and when found to be or made to be correct such inspectors shall seal all such meters and each of them with some suitable device to be prescribed by the commission.

No public service company shall thereafter furnish, set or put in use any gas or water meter which shall not have been inspected, proved and sealed by an inspector of the commission under such rules and regulations as the commission may prescribe.

Sealed by
commission
inspector.

The commission may appoint inspectors of electric meters whose duty it shall be when required by the commission to inspect, examine, prove and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat or power by any public service company to or for the use of any person or corporation, and to inspect, examine and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters, and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device to be prescribed by the commission. No public service company shall furnish, set or put in use any electric meters the type of which shall not have been approved by the commission.

Inspector
stamp and
mark.

Every gas company, electrical company and water company shall prepare and maintain such suitable premises, apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas, electric or water meters furnished for use by it by which apparatus every meter may be tested.

If any consumer to whom a meter has been furnished shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested, and if the same, on being so tested, shall be found to

Inspection
on request.

be more than four per centum if an electric meter, or more than two per centum if a gas meter, or more than two per centum if a water meter, defective or incorrect to the prejudice of the consumer, the expense of such inspection and test shall be borne by the gas company, electrical company or water company, and if the same, on being so tested shall be found to be correct within the limits of error prescribed by the provisions of this section, the expense of such inspection and test shall be borne by the consumer.

Expense,
how borne.

The commission shall prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary, and shall fix the uniform and reasonable charges for the inspection and testing of meters upon complaint.

ARTICLE VII.

PROCEDURE BEFORE COMMISSION AND COURTS.

SEC. 75. *Power to Administer Oaths.*

Each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, way bills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

Power
of com-
missioners.

The superior court of the county in which any such inquiry, investigation, hearing or proceeding may be had, shall have power to compel the attendance of witnesses and the production of papers, way bills, books, accounts, documents and testimony as required by such subpoena. The commission or the commissioner before which the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, shall report to the superior court in and for the county in which the proceeding is pending by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, and that the witness has been summoned in the manner prescribed in this act, and that the fees and mileage of the witness have been paid or

Notice of
convening.

tendered to the witness for his attendance and testimony, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission, in the cause or proceedings named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify before the commission. The court, upon the petition of the commission, shall enter an order directing the witness to appear before said court at a time and place to be fixed by the court in such order, and then and there show cause why he has not responded to said subpoena. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, the court shall thereupon enter an order that said witness appear before the commission at said time and place as fixed in said order, and testify or produce the required papers, and upon failing to obey said order, said witness shall be dealt with as for contempt of court. In all proceedings before the commission the commission shall have the right, in their discretion, to limit the number of witnesses testifying upon any subject or proceeding to be inquired of before the commission.

Order witnesses to appear.

Limit number of witnesses.

SEC. 76. *Depositions; Service of Process; Witness Fees.*

The commission shall have the right to take the testimony of any witness by deposition, and for that purpose the attendance of witnesses and the production of books, way bills, documents, papers and accounts may be enforced in the same manner as in the case of hearings before the commission, or any member thereof. Process issued under the provisions of this act shall be served as in civil cases. Each witness who shall appear before the commission under subpoena shall receive for his attendance three dollars (\$3.00) per day and five (5) cents per mile traveled by the nearest practicable route in going and returning from the place of hearing: *Provided*, That no witness shall be entitled to fees or mileage from the State

Depositions.

Fees.

of Washington when summoned at the instance of the public service corporations affected. The claim by any witness that any testimony sought to be elicited may tend to incriminate him shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding, excepting in a prosecution for perjury. The commissioner shall have power to compel the attendance of witnesses at any place within the state.

May compel attendance.

SEC. 77. *Inspection of Books, Papers and Documents.*

The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: *Provided*, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection.

Inspection of books, papers and documents.

SEC. 78. *Reports.*

Every public service company shall annually furnish to the commission a report in such form as the commission may require, and shall specifically answer all questions propounded to it by the commission, upon or concerning which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor and the manner of payment for same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon, the cost and value of the company's property, franchises and equipment, the number of employees and the salaries paid each class, the accidents to passengers, employees and other persons and the cost thereof, the amounts expended for improvements each year, how expended and the character of such improvements, the earnings or receipts from each

Reports.

Items in report.

Detail of
report.

franchise or business and from all sources, the proportion thereof earned from business moving wholly within the state and the proportion earned from interstate traffic, the nature of the traffic movement showing the percentage of the ton miles each class of commodity bears to the total ton mileage, the operating and other expenses and the proportion of such expense incurred in transacting business wholly within the state, and the proportion incurred in transacting interstate business, such division to be shown according to such rules of division as the commission may prescribe, the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such report shall also contain such information in relation to rates, charges or regulations concerning fares, charges or freights, or agreements, arrangements or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the provisions of this act, prescribe the period of time within which all public service companies subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept. Such detailed report shall contain all the required statistics for the period of twelve months ending on the last day of any particular month prescribed by the commission for any public service company. Such reports shall be made out under oath and filed with the commission at its office in Olympia within three months after the close of the designated year for which such report is made, unless additional time be granted in any case by the commission. The commission shall have authority to require any public service company to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matter about which the commission is authorized or required by this or any other law, to inquire into or keep itself informed about, or which it is required to enforce, such

Uniform
system of
accounts.

May require
monthly
reports.

periodical or special reports to be under oath whenever the commission so requires.

The commission may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by public service companies, including the accounts, records and memoranda of the movement of traffic, sales of its product, the receipts and expenditures of money. The commission shall at all times have access to all accounts, records and memoranda kept by public service companies, and may employ special agents or examiners, who shall have power to administer oaths and authority, under the order of the commission, to examine witnesses and to inspect and examine any and all accounts, records and memoranda kept by such companies. The commission may, in its discretion, prescribe the forms of any and all reports, accounts, records and memoranda to be furnished and kept by any public service company whose line or lines extend beyond the limits of this state, which are operated partly within and partly without the state, so that the same shall show any information required by the commission concerning the traffic movement, receipts and expenditures appertaining to those parts of the line within the state.

Records
and memo-
randa.

SEC. 79. *Production of Books and Records.*

In case any public service company shall refuse to exhibit at its principal office in the United States any book, record or document to the commission or to any member thereof, or to any agent or employee thereof properly authorized, or to furnish a sworn copy of such book, record or document on demand, the commission may require from any such company the production within the state, at such time and place as it may designate, of any books, records or documents kept by such company without the state.

Books and
records.

The commission may require from any public service company the production of any books, records or documents kept by such company in any office or place without the State of Washington. Such demand shall be

May show
cause.

served upon the public service company in the manner provided for the service of orders herein. Such public service company shall have the right to appear before the commission and show cause, if any there be, why such order should not be complied with and such order shall be made after such hearing as the commission may deem proper.

SEC. 80. *Complaints.*

Complaints.

Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: *Provided*, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telephone company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telephone service. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: *Provided*, All grievances to be inquired into, shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Complaint
signed
by whom.

Grievances
set forth.

Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a

notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this act may be prescribed by the commission.

Time for hearing.

SEC. 81. *Hearings, Orders and Record.*

At the time fixed for the hearing mentioned in the preceding section, the complainant and the person or corporation complained of shall be entitled to be heard and introduce such evidence as he or it may desire. The commission shall issue process to enforce the attendance of all necessary witnesses. At the conclusion of such hearing the commission shall make and render findings concerning the subject-matter and facts inquired into and enter its order based thereon. A copy of such order, certified under the seal of the commission, shall be served upon the person or corporation complained of, or his or its attorney, which order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided. Where an order cannot, in the judgment of the commission, be complied with within twenty days, the commission may prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission, or any member thereof, on any formal hearing had, and all testimony shall be taken down by a stenographer appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order of the commission, a transcript of such testimony, together with all exhibits introduced, and of the record and proceedings in the cause, shall constitute the record of the commission.

Hearings.

Additional time.

Action to review.

SEC. 82. *Increase in Rates—Suspension.*

Increase
in rates.

Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to increase any rate, fare, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed increase and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, fare, charge, rental or toll for a period of ninety (90) days from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective: *Provided*, That if any such hearing cannot be concluded within the period of suspension, as above stated, the commission may, in its discretion, extend the time of suspension for a further period not exceeding sixty (60) days. If the commission shall at the conclusion of the hearing refuse to permit such increase, either in whole or in part, no supersedeas shall be granted in any action or proceeding brought to review the order of the commission pending the final determination of such action by the superior court, or if appealed to the supreme court by such supreme court.

Extend
time of
suspension.

SEC. 83. *Orders Requiring Joint Action.*

Orders
requiring
joint action.

Whenever any order of the commission shall require joint action by two or more public service companies, such order shall specify that the same shall be made at their joint cost, and the companies affected shall have thirty days, or such further time, as the commission may prescribe, within which to agree upon the part or division of cost which each shall bear, and costs of operation and maintenance in the future, or the proportion of charges or revenue each shall receive from such joint service and the rules to govern future operations. If at the expiration of such time such companies shall fail to file with the

commission a statement that an agreement has been made for the division or apportionment of such cost, the division of costs of operation and maintenance to be incurred in the future and the proportion of charges or revenue each shall receive from such joint service and the rules to govern future operations, the commission shall have authority, after further hearing, to enter a supplemental order fixing the proportion of such cost or expense to be borne by each company, and the manner in which the same shall be paid and secured.

Relating to
division
of costs.

SEC. 84. *Remunerative Charges Cannot Be Changed.*

Whenever the commission shall find, after hearing had upon its own motion or upon complaint as herein provided, that any rate, toll, rental or charge with has been the subject of complaint and inquiry is sufficiently remunerative to the public service company affected thereby, it may order that such rate, toll, rental or charge shall not be changed, altered, abrogated or discontinued, nor shall there be any change in the classification which will change or alter such rate, toll, rental or charge without first obtaining the consent of the commission authorizing such change to be made.

Rate not
changed,
when.

SEC. 85. *Rules and Regulations.*

The commission is hereby authorized and empowered to adopt, promulgate and issue rules and regulations covering the bulletining of trains, showing the time of arrival and departure of all trains, and the probable arrival and departure of delayed trains; the conditions to be contained in and become a part of contracts for transportation of persons and property, transmission and delivery of messages and conversations, and the furnishing and supply of gas, electricity and water, and any and all services concerning the same, or connected therewith; the time that station rooms and offices shall be kept open; rules governing demurrage and reciprocal demurrage, and to provide reasonable penalties to expedite the prompt movement of freight and release of cars, the limits of express deliveries in cities and towns, and generally such rules as pertain to

Rules and
regulations.

Relating to
demurrage.

the comfort and convenience of the public concerning the subjects treated of in this act. Such rules and regulations shall be promulgated and issued by the commission on its own motion, and shall be served on the public service company affected thereby as other orders of the commission are served. Any public service company affected thereby, and deeming such rules and regulations, or any of them, improper, unjust, unreasonable, or contrary to law, may within twenty days from the date of service of such order upon it file objections thereto with the commission, specifying the particular grounds of such objections. The commission shall, upon receipt of such objections, fix a time and place for hearing the same, and after a full hearing may make such changes or modifications thereto, if any, as the evidence may justify. The commission shall have, and it is hereby given, power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings: *Provided*, No person desiring to be present at such hearing shall be denied permission. Actions may be instituted to review rules and regulations promulgated under this section as in the case of orders of the commission.

Public
hearing.

SEC. 86. *Review.*

Any complainant or any public service company affected by any order of the commission, and deeming it to be contrary to law, may, within thirty days after the service of the order upon him or it, apply to the superior court of the county in which such proceeding was instituted for a writ of review, for the purpose of having its reasonableness and lawfulness inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected a further time be fixed by the court, and shall direct the commission to certify its record in the case to the court. On such return day the cause shall be heard by the court, unless for good cause shown the same be continued. Said cause shall be heard by the court without the intervention of a jury on the

Writ of
review.

Heard by
court.

evidence and exhibits introduced before the commission and certified to by it. Upon such hearing the superior court shall enter judgment either affirming or setting aside the order of the commission under review. In case said order is reversed by reason of the commission failing to receive testimony properly proffered, the court shall remand the cause to the commission, with instructions to receive the testimony so proffered and rejected, and enter a new order based upon the evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion, remand any cause which is reversed by it to the commission for further action.

Remand.

SEC. 87. *Supersedeas.*

The pendency of any writ of review shall not of itself stay or suspend the operation of the order of the commission, but the superior court in its discretion may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit.

Supersedeas.

No order so restraining or suspending an order of the commission relating to rates, fares, charges, tolls or rentals, or rules or regulations, practices, classifications or contracts affecting the same, shall be made by the superior court otherwise than upon three days' notice and after hearing, and if a supersedeas is granted the order granting the same shall contain a specific finding, based upon evidence submitted to the court making the order, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner, and specifying the nature of the damage: *Provided, however,* That when any rate has been in force for any length of time exceeding one year, and such rate is advanced by the public service company, and the order of the commission reinstates such prior rate, in whole or in part, no supersedeas shall be allowed in any case from such order pending the final determination of the cause in the superior court, or if appealed to the supreme court by such supreme court.

Three days' notice.

Rate advanced.

Require
bond.

In case the order of the commission under review is superseded by the court, it shall require a bond, with good and sufficient surety, conditioned that such company petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the commission, and all compensation for whatever sums for transportation, transmission or service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sum such person or corporation would have been compelled to pay if the order of the commission had not been suspended.

The court may, in addition to or in lieu of the bond herein provided for, require such other or further security for the payment of such excess charges or damages as it may deem proper.

SEC. 88. *Appeal to the Supreme Court.*

Appeal to
supreme
court.

The commission, any public service company or any complainant may, within twenty days after the entry of judgment in the superior court in any action of review, prosecute an appeal to the supreme court of the State of Washington. The appellant shall have fifty days after the entry of such judgment in which to serve and file his opening brief, and the respondent shall have thirty days after the service of such opening brief in which to answer the same. The appellant shall have twenty days after the service of respondent's brief in which to reply to the same. After the filing of such brief, or the expiration of the time for filing briefs, the cause shall be assigned for hearing at the earliest motion day of the court, or at such other time as the court shall fix, and the clerk of the court shall notify the attorneys for the respective parties of the date set for the hearing in time to permit the parties to participate in the hearing. Such appeal shall be taken by giving a notice of appeal in open court at the time of the rendition of judgment, or by the service and filing of a notice of appeal within twenty days from and after the entry of the judgment.

Appeal.

The original transcript of the record and testimony filed in the superior court in any action to review an order

of the commission, together with a transcript of the proceedings in the superior court, shall constitute the record on appeal to the supreme court.

No appeal shall be effective, when taken by a public service company or a complainant, unless a cost bond on appeal in the sum of two hundred dollars (\$200) shall be filed within five days after the service of the notice of appeal.

Cost bond
filed.

The superior court may, in its discretion, suspend its judgment pending the hearing in the supreme court, upon the filing of a bond, with good and sufficient surety, conditioned as provided for bonds upon actions for review, or upon such other or further terms and conditions as it may deem proper. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this act, apply to appeals taken under the provisions of this act.

General law
to apply.

SEC. 89. *Rehearings.*

Any public service company affected by any order of the commission, and deeming itself aggrieved, may, after the expiration of two years from the date of such order taking effect, petition the commission for a rehearing upon the matters involved in such order, setting forth in such petition the grounds and reasons for such rehearing, which grounds and reasons may comprise and consist of changed conditions since the issuance of such order, or by showing a result injuriously affecting the petitioner which was not considered or anticipated at the former hearing; or that the effect of such order has been such as was not contemplated by the commission or the petitioner, or for any good and sufficient cause which for any reason was not considered and determined in such former hearing. Upon the filing of such petition, such proceedings shall be had thereon as are provided for hearings upon complaint, and such orders may be reviewed as are other orders of the commission: *Provided*, That no order superseding the order of the commission denying such rehearing shall be granted by the court pending the review. In case any

Rehearing.

Procedure.

order of the commission shall not be reviewed, but shall be complied with by the public service company, such petition for rehearing may be filed within six months from and after the date of the taking effect of such order, and the proceedings thereon shall be as in this section provided. The commission, may, in its discretion, permit the filing of a petition for rehearing at any time. No order of the commission upon a rehearing shall affect any right of action or penalty accruing under the original order unless so ordered by the commission.

SEC. 90. *Commission May Change Orders.*

May change orders.

The commission may at any time, upon notice to the public service company affected, and after opportunity to be heard as provided in the case of complaints rescind, alter or amend any order or rule made, issued or promulgated by it, and any order or rule rescinding, altering or amending any prior order or rule shall, when served upon the public service company affected, have the same effect as herein provided for original orders and rules.

SEC. 91. *Overcharge.*

Overcharge.

When complaint has been made to the commission concerning the reasonableness of any rate, fare, toll, rental or charge for any service performed by any public service company, and the same has been investigated by the commission, and the commission shall determine that the public service company has charged an excessive or exorbitant amount for such service, the commission may order that the public service company pay to the complainant the amount of the overcharge so found, with interest from the date of collection.

Suit instituted.

If the public service company does not comply with the order for the payment of the overcharge within the time limited in such order, suit may be instituted in any court of competent jurisdiction to recover the same, and in such suit the findings and order of the commission shall be *prima facie* evidence of the facts therein stated. If the complainant shall prevail in such action, he shall be allowed a reasonable attorney's fee, to be fixed and collected

as part of the costs of the suit. All complaints concerning overcharges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission.

SEC. 92. *Valuation of Property; Procedure.*

The commission shall ascertain, as early as practicable, the cost of construction and equipment, the amount expended in permanent improvements, and the proportionate amount of such permanent improvements charged in construction and to operating expenses respectively, the present as compared with the original cost of construction, and the cost of reproducing in its present condition the property of every public service company.

Valuation
of property.

It shall also ascertain the amount and present market value of the capital stock and funded indebtedness of every public service company.

It shall also ascertain, in the case of companies engaged in interstate business, the relative value of the use to which such property in this state is actually put in the conduct of interstate business and state business respectively.

It shall also ascertain the total market value of the property of each public service company operating in this state, used for the public convenience within the state.

Market
value.

It shall also ascertain the time intervening between the expenditure of money in the cost of construction and the time when returns in the shape of dividends were first received by each of these companies.

It shall also ascertain the probable earning capacity of each public service company under the rates now charged by such companies and the sum required to meet fixed charges and operating expenses, and in case of a company doing interstate business it shall also ascertain the probable earning capacity of such company upon intrastate business and the sum required to meet fixed charges and operating expenses on intrastate business, and the relative proportion of intrastate and interstate business, the rela-

Earning
capacity.

tive proportion of the operating expenses connected therewith, the relative proportion of the revenue which should be derived therefrom.

Density
of traffic.

It shall also ascertain the density of traffic and of population tributary to every public service company, and the conditions which will tend to show whether such traffic and population is likely to continue, increase or diminish.

It shall also ascertain the existence of grades, curvatures and other physical conditions affecting the movement of traffic and business of common carriers.

Expense
justified.

It shall also ascertain whether the expenditures already made by any public service company in procuring its property were such as were justified by the then existing conditions, and such as might reasonably be expected in the immediate future, and whether the money expended by such company has been reasonable for the present needs of the company, and for such needs as may reasonably be expected in the immediate future.

The commission is hereby authorized to cause a hearing or hearings to be held at such time or times and place or places as the commission may designate for the purpose of ascertaining the matters and things provided for in this section.

Notify
company.

The commission shall, before any hearing is had, notify the company concerned of the time and place of such hearing, by giving at least thirty days' written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of ascertaining the value of such company's property within the state, which shall be a sufficient complaint to authorize the commission to inquire into the matters designated in this section.

Evidence
reduced
to writing.

All companies affected shall be entitled to be heard and introduce evidence at such hearing. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the commission.

The commission shall make and render findings of fact in writing covering all matters in this section mentioned concerning which it is directed to inquire into, and shall make findings upon all matters concerning which evidence

may have been introduced before it shall tend to show the value of the property used by such company for the public convenience.

Any company affected by the findings, or any of them, believing such findings, or any of them, to be contrary to law or the evidence introduced, or that such findings are unfair, unwarranted or unjust, may institute proceedings in the superior court of the State of Washington in the county in which said hearing has been held, or, if held in more than one county, then in the county in which said hearing was commenced, and have such findings reviewed, and their correctness, reasonableness and lawfulness inquired into and determined. Such review shall be heard by the court without the intervention of a jury and shall be heard upon the evidence and exhibits taken before the commission and certified to by it; and the court before which such hearing is had, in case it finds any such findings so sought to be reviewed unjust, incorrect, unreasonable, unlawful or not supported by the evidence, shall make new and correct findings to take the place of such as may not be sustained, unless such findings are set aside and reversed for error on the part of the commission in rejecting evidence properly proffered, in which case it shall remand said hearing to the commission with instructions to receive the evidence so proffered and rejected and make findings of fact on the evidence so proffered and that already received.

Findings
may be
reviewed.

Said public service company or the commission shall have the right to appeal from the decision of the superior court to the supreme court of the State of Washington as in civil cases. In case the supreme court finds any findings so sought to be reviewed unjust, incorrect, unlawful or unreasonable, or not supported by the evidence, it shall either make and render proper findings or remand the case to the superior court with instructions to make proper findings on the evidence already submitted, unless the same is reversed for error in rejecting evidence properly proffered, in which case the hearing shall be remanded to the

Right of
appeal.

commission with instructions to receive the evidence so proffered and make findings on the evidence so proffered and rejected and that already received.

Findings,
evidence
when.

The findings of the commission so filed, or as the same may be corrected by the courts, when properly certified under the seal of the commission shall be admissible in evidence in any action, proceeding or hearing in which the state or any officer, department or institution thereof, or any county, municipality or other body politic and the public service company affected is interested, whether arising under the provisions of this act or otherwise, and such findings when so introduced shall be conclusive evidence of the facts stated in such findings as of the date therein stated under conditions then existing, and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined.

Relating
to value.

When the commission shall have valued the property of any public service company, as provided for in this section, nothing less than the market value so found by the commission shall be taken as the true value of the property of such company used for the public convenience for the purposes of assessment and taxation.

Relating to
improvements
and
betterments.

The commission shall hereafter, from time to time, cause further hearings to be had for the purpose of ascertaining the betterments, improvements, additions and extensions made by any public service company to its property subsequent to the date of any prior hearing, and shall examine into all traffic movement and every matter and thing that would change, modify or affect any finding of fact previously made, and shall at such time make findings of fact supplemental to those theretofore made, showing the amount expended in betterments, improvements, extensions and additions since such prior findings and the cost of reproducing the same, the value of the property used by such company at the time of such subsequent hearing, the relative value of the use to which such property is put in the performance of intrastate and interstate business respectively, and the value of the property of such company

in the state used for the public convenience of intrastate business. Such hearing shall be had upon the same notice, the examination conducted in the same manner, and the findings so made shall have the same force and effect as is provided herein for such original notice, hearing and findings: *Provided*, That such findings made at such supplemental hearing shall be considered in connection with and as a part of the original findings except in so far as such supplemental findings shall change or modify the findings made at the original hearing.

Findings of supplemental hearing.

SEC. 93. *Summary Proceedings.*

Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this act, it shall direct the attorney general to commence an action or proceeding in the superior court of the State of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the State of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical re-

Summary proceedings.

Mandamus or injunction.

Default.

Appeal.

quirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this act relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court under the provisions of this section.

SEC. 94. *Penalties for Violations of Act or Orders.*

Penalties for violations.

Penalty \$1,000.00.

Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this act, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this act, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this act shall be a separate and distinct offense, and in case of a continuing violation every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

SEC. 95. *Officers and Employees Subject to Penalty.*

Subject to penalty.

Every officer, agent or employee of any public service company, who shall violate or fail to comply with, or who procures, aids or abets any violation by any public service

company of any provision of this act, or who shall fail to obey, observe or comply with any order of the commission, or any provision of any order of the commission, or who procures, aids or abets any such public service company in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

SEC. 96. *Corporations Violating Act or Orders—Penalty.*

Every corporation, other than a public service company, which shall violate any provision of this act, or which shall fail to obey, observe or comply with any order of the commission under authority of this act, so long as the same shall be and remain in force, shall be subject to a penalty of not to exceed the sum of one thousand dollars (\$1,000) for each and every offense. Every such violation shall be a separate and distinct offense, and the penalty shall be recovered in an action as provided in section 98 of this act.

Violating orders.

Penalty.

SEC. 97. *Persons Violating Act—Penalty.*

Every person who, either individually, or acting as an officer or agent of a corporation other than a public service company, shall violate any provision of this act, or fail to observe, obey or comply with any order made by the commission under this act, so long as the same shall be or remain in force, or who shall procure, aid or abet any such corporation in its violation of this act, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor.

Persons violating act.

SEC. 98. *Suit for Penalties.*

Actions to recover penalties under this act shall be brought in the name of the State of Washington in the superior court of Thurston county, or in the superior court of any county in or through which such public service company may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided.

Suit for penalties.

All fines and penalties recovered by the state under this act shall be paid into the treasury of the state.

SEC. 99. *Orders and Rules Conclusive.*

Orders
and rules
conclusive.

In all actions between private parties and public service companies involving any rule or order of the commission, and in all actions for the recovery of penalties provided for in this act, or for the enforcement of the orders or rules issued and promulgated by the commission, the said orders and rules shall be conclusive unless set aside or annulled in a review as in this act provided.

SEC. 100. *Findings Prima Facie Correct.*

Burden on
company, to
establish.

Whenever the commission has issued or promulgated any order or rule, in any writ of review brought by a public service company to determine the reasonableness of such order or rule, the findings of fact made by the commission shall be *prima facie* correct, and the burden shall be upon said public service company to establish the order or rule to be unreasonable or unlawful.

SEC. 101. *Commission Shall Enforce Laws.*

Enforce
laws.

It shall be the duty of the commission to enforce the provisions of this act and all other acts of this state affecting public service companies, the enforcement of which is not specifically vested in some other officer or tribunal.

SEC. 102. *Companies Liable for Damages.*

Liable for
damages.

In case any public service company shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by any law of this state, by this act or by any order or rule of the commission, such public service company shall be liable to the persons or corporations affected thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery if the court shall find that such act or omission was wilful, it may, in its discretion, fix a reasonable counsel or attorney's fee, which shall be taxed and collected as part of the costs in the case. An action to recover for such loss, damage or

injury may be brought in any court of competent jurisdiction by any person or corporation.

SEC. 103. *Commission to Furnish Copy of Rates, Etc.—Fees.*

Upon application of any person the commission shall furnish certified copies of any classification, rate, rule, regulation or order established by such commission, and the printed copies published by authority of the commission, or any certified copy of any such classification, rate, rule, regulation or order, with seal affixed, shall be admissible in evidence in any action or proceeding, and shall be sufficient to establish the fact that the charge, rate, rule, order or classification therein contained is the official act of the commission. When copies of any classification, rate, rule, regulation or order not contained in the printed reports, or copies of papers, accounts or records of public service companies filed with the commission shall be demanded from the commission for proper use, the commission shall charge a reasonable compensation therefor. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any such person or corporation.

Rates, fees
supplied by
commission.

SEC. 104. *Effect of Act—Release of Damages.*

This act shall not have the effect to release or waive any right of action by the state or any person for any right, penalty or forfeiture which may have arisen or may hereafter arise under any law of this state; and all penalties accruing under this act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to the recovery of any other: *Provided*, That no contract, receipt, rule or regulation shall exempt any corporation engaged in transporting live stock by railway from liability of a common carrier, or carrier of live stock, which would exist had no contract, receipt, rule or regulation been made or entered into.

Effect
of act.

ARTICLE VIII.

CONSTRUCTION, REPEAL AND SAVING CLAUSE.

SEC. 105. *Effect of Act Upon Municipal Utilities.*

Nothing in this act shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the safety, adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or in force affecting any street railroad, telephone line, gas plant, electrical plant or water system owned and operated by any city or town, but all other provisions enumerated herein shall apply to public utilities owned by any city or town.

Saving clause.

SEC. 106. *Appropriation.*

For the purpose of carrying out the provisions of this act, there is hereby appropriated from the general fund the sum of \$118,146.68 or so much thereof as may be necessary.

Appropriation.

Said appropriation to cover the following expenditures, to-wit:

Segregation.

Salaries three commissioners.....	\$23,471 78
Salary rate expert.....	5,416 67
Salary inspector	5,416 67
Salary engineer	5,416 67
Salary secretary	3,611 11
Salary accountant	3,250 00
Salary official reporter.....	3,250 00
Salary telephone expert.....	4,513 88
<hr/>	
Total.....	\$54,346 78
Contingent expenses of clerks, assistant inspectors, assistant engineers and experts, traveling expenses of commissioners and its employees, expenses of hearings, witness fees, and other incidental expenses.	\$63,800 00

SEC. 107. *Public Service Commission to Act as Railroad Commission.*

Whenever the terms "Railroad Commission of Washington," "Railroad Commissioner," or "Railroad Commission" occur in any law, contract or document, or whenever in any law, contract or document reference is made

to such commission or commissioners, such terms or reference shall be deemed to refer to and include the public service commission as established by this act, so far as such law, contract or document pertains to matters within the jurisdiction of the said public service commission.

Relative terms.

SEC. 108. *Constitutionality.*

If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Constitutionality.

SEC. 109. *Repeal.*

That chapter 81 of the Laws of 1905, chapter 226 of the Laws of 1907, chapter 142 of the Laws of 1907, and chapter 93 of the Laws of 1909, be and the same are hereby repealed.

Repeal.
[See note to title.]

SEC. 110. *Transfer of Records.*

The railroad commission of Washington shall transfer and deliver to the public service commission hereby created all books, maps, papers and records, furniture, equipment, instruments and supplies in its possession at the date of the taking effect of this act.

Transfer records.

SEC. 111. *Pending Actions and Proceedings.*

This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the railroad commission of Washington, or by any other person or corporation, under the provision of chapter 81 of the Laws of 1905, or the acts amendatory thereof or supplemental thereto, but the same may be prosecuted or defended in the name of the railroad commission of Washington, or otherwise, with the same effect as though this act had not been passed. Any investigation, examination or proceeding undertaken, commenced or instituted by the railroad commission of Washington prior to the taking effect of this act may be conducted and continued to a final determination by the public service commission hereby created, in the same manner, under the same terms and conditions, and with like effect as though the railroad commission of Washington had not been abolished.

Pending actions.

This act shall not abate.

No cause of action arising under the provisions of chapter 81 of the Laws of 1905, or the acts amendatory thereof or supplementary thereto, or dependent thereon, shall abate by reason of the passage of this act, whether a suit or action has been instituted thereon at the time of the taking effect of this act or not, but actions may be brought upon such causes in the same manner, under the same terms and conditions, and with the same effect as though said chapter (and the acts amendatory thereof or supplemental thereto) had not been repealed.

Former orders upheld.

All findings, orders and rules made, issued or promulgated by the railroad commission of Washington under the provisions of chapter 81 of the Laws of 1905, or the acts amendatory thereof or supplemental thereto, shall continue in force and have the same effect as though this act had not been passed, and the public service commission hereby created is empowered to enforce said findings, orders and rules in the same manner and under the same conditions as though said findings, orders and rules had been made, issued or promulgated by the public service commission hereby created.

Construction of act. [See note to title.]

SEC. 112. This act, in so far as it embraces the same subject-matter, shall be construed as a continuation of chapter 81 of the Laws of 1905, and the acts amendatory thereof and supplemental thereto, and the members of the railroad commission of Washington created by said act of 1905 shall during the remainder of their terms of office respectively constitute the public service commission created by this act. At the expiration of the term of each commissioner a commissioner shall be appointed under the provisions of this act.

Passed by the Senate March 2, 1911.

Passed by the House March 6, 1911.

Approved by the Governor March 18, 1911.

CHAPTER 118.

[S. B. 195.]

RELATING TO APPORTIONMENT OF STATE CURRENT
SCHOOL FUND.

AN ACT relating to the apportionment of the state current school fund and amending section 4562, Remington and Ballinger's Annotated Codes and Statutes of Washington

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

SECTION 1. Section 4562, Remington and Ballinger's Annotated Codes and Statutes of Washington, is hereby amended to read as follows: "Sec. 4562. The superintendent of public instruction shall apportion to the several counties of the state on or before the 20th day of July, October, January, April, May and June of each year such current state school funds as have been certified by the state auditor to be in the hands of the state and county treasurers."

[Amending
§ 4562.
Rem.-Bal.]

Superin-
tendent shall
apportion.

Passed by the Senate February 15, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 119.

[S. B. 189.]

TERMS OF OFFICE AND ELECTION OF JUDGES OF
SUPREME COURT.

AN ACT relating to the terms of office and the election of judges of the supreme court, and amending section 9043 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Section 9043 of Remington and Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows: Sec. 9043. At the next general election, and at each biennial general elec-

[Amending
§ 9043.
Rem.-Bal.]

Three judges
elected
biennially.

tion thereafter, there shall be elected three judges of the supreme court, to hold for the full term of six years, and until their successors are elected and qualified, commencing with the second Monday in January succeeding their election.

[Amending
§ 9043-1,
Rem.-Bal.]

SEC. 2. There shall be added to Remington and Ballinger's Annotated Codes and Statutes of Washington a section to be known as section 9043-1 to read as follows: Sec. 9043-1. A person elected judge of the supreme court to fill a vacancy for an unexpired term shall not qualify for office until the second Monday in January succeeding his election.

Commence-
ment of
unexpired
terms.

Passed by the Senate February 14, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 18, 1911.

CHAPTER 120.

[S. B. 89.]

ENABLING COUNTIES, CITIES AND TOWNS TO VALIDATE CERTAIN WARRANTS.

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

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

SECTION 1. Any county, city or town in this state may ratify in the manner prescribed by this act, the attempted incurring of any indebtedness of such county, city or town, by the issuing of warrants, making of contracts, or creation of other evidences of indebtedness on the part of such county, city or town, by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such county, city or town, exceeding one and one-half

[Amending
§§ 8038 and
8039,
Rem.-Bal.]

Indebtedness
exceeding
limit.

per centum of the taxable property of such county, city or town, ascertained by the last assessment for state and county purposes previous to the attempted incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters therein at an election held for that purpose.

SEC. 2. Whenever the corporate authorities of any such county, city or town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution, which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness composed in each distinct class, and shall provide for the holding of an election for that purpose, at which the attempted incurring of such indebtedness shall be submitted to the voters in such county, city or town for ratification or approval, of which election notice, to be provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such county, city or town once a week for at least four successive weeks prior to the election, and if no newspaper is published in such city or town, then by publishing such notice for the same period in a newspaper published in the county wherein such city or town is situate and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

Provide by ordinance or resolution.

Submit to vote.

SEC. 3. If at an election held as provided for in section two of this act, three-fifths of the voters of such county, city or town, voting at such election, shall vote in favor of the ratification, of any distinct class of such in-

Three-fifths vote required.

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

Basis for estimate.

This act specifically applies.

Defining term.

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

Emergency.

SEC. 5. An emergency exists and this act shall take effect immediately.

Passed by the Senate February 2, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 121.

[S. B. 230.]

RELATING TO DISQUALIFICATION OF JUDGES OF
SUPERIOR COURTS.

AN ACT relating to the disqualification of judges of the superior courts, and providing change of venue or change of judges on account thereof.

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

SECTION 1. No judge of a superior court of the State of Washington shall sit to hear or try any action or proceeding when it shall be established, as hereinafter provided, that such judge is prejudiced against any party or attorney, or the interest of any party or attorney appearing in such cause. In such case the presiding judge shall forthwith transfer the action to another department of the same court, or call in a judge from some other court, or apply to the governor to send a judge, to try the case; or, if the convenience of witnesses or the ends of justice will not be interfered with by such course, and the action is of such a character that a change of venue thereof may be ordered, he may send the case for trial to the most convenient court.

[See §§
209-210,
Rem.-Bal.]

Prejudice
established.

Order change
of venue.

SEC. 2. Any party to or any attorney appearing in any action or proceeding in a superior court, may establish such prejudice by motion supported by affidavit that the judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he cannot, have a fair and impartial trial before such judge: *Provided, further,* That no party or attorney shall be permitted to make more than one application in any action or proceeding under this act.

[See §§
209-210,
Rem.-Bal.]

Establish
by affidavit

Passed by the Senate February 21, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 18, 1911.

CHAPTER 122.

[S. B. 244.]

PROVIDING ADDITIONAL LAND FOR STATE INSTITUTION FOR FEEBLE-MINDED.

AN ACT to provide for the selection and purchase or acquirement by condemnation of additional land, the improvement thereof, for the use of the State Institution for Feeble-Minded at Medical Lake, Washington, and making an appropriation therefor.

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

Condemn.

SECTION 1. That the state board of control shall select and purchase or acquire by condemnation proceedings suitable additional lands of not less than three hundred and twenty (320) acres adjoining or near the Home for the Feeble Minded at Medical Lake, Washington, to be used and improved for agricultural purposes.

Appropri-
ate
\$25,000.

SEC. 2. That for the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars or as much thereof as may be required.

Repeal.

SEC. 3. That all acts or parts of acts in conflict with the provisions of this act be annulled and the same hereby repealed.

Passed by the Senate March 6, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 123.

[S. B. 112.]

RELATING TO THE OPERATION OF COAL MINES.

AN ACT relating to the operation of coal mines in the State of Washington, creating a commission to revise the coal mining laws of the state, to report their conclusions to the next legislature, and providing an appropriation therefor.

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

SECTION 1. There is hereby created a commission, whose duty it shall be to investigate the operation of coal mines in the State of Washington, to recommend needed legislation, to revise existing coal mining statutes, and suggest such amendments to existing laws as it may deem proper and for the best interests of the state.

Commission created.

SEC. 2. The governor of the state shall, upon the taking effect of this act, appoint four members of the commission, one of whom shall be a coal mining engineer, one a coal mine operator, and two of whom shall be practical miners of at least five years' experience, who, with the state mine inspector, shall constitute the commission mentioned in section 1 hereof, to investigate the safe working of coal mines, the cause of accidents therein, the safety of employes, and all other matters pertaining to the improvement of the methods of coal mining in this state; the commission herein provided for, with the advice and assistance of the attorney general shall also revise and recodify all laws and parts of laws relating to coal mining in the State of Washington, and after consideration shall recommend to the next legislature such proposed laws as may be deemed advisable or necessary to govern the operation of coal mines in this state. Said commission shall also present to the next legislature its revision, recodification or rearrangement of the coal mining laws of the State of Washington, together with such recommendations in connection therewith as may be deemed advisable or necessary.

Governor appoint.

Recommend to legislature.

Power of
commission.

SEC. 3. The commission shall have the power to subpoena and examine witnesses at such time and place as may be fixed by the commission, to be stated in the subpoena. Such subpoenas shall be served by the sheriff of the county in which the commission holds a meeting, or by any person over the age of twenty-one years, who is not a party to the matter in which such subpoena is issued. Each witness subpoenaed by the commission shall be allowed the same fees and mileage as provided by law to be paid witnesses in courts of record in this state, said fees and mileage to be paid upon the usual vouchers and warrants. Any person duly served with a subpoena, who shall fail to obey the same, without legal excuse, shall be guilty of contempt, and the commission shall certify the fact thereof to the superior court of the county in which such witness may reside, and upon legal proof thereof such witness shall suffer the same penalties as are now provided in like cases in the courts of this state.

Penalties.

SEC. 4. Said commission shall be called together by the governor, and shall be organized by the selection of one of its members as chairman, and one of its members as secretary, and the commission shall thereafter hold meetings in the state at such times and places as may be fixed by it.

SEC. 5. The commission, in discharging the duties contemplated by this act, shall have the power to visit and inspect all coal mines and mining plants in the State of Washington.

Prepare bill.

SEC. 6. The revised and recodified laws of the state prepared by the commission shall be printed in the form of a legislative bill and distributed to the members and members-elect of the legislature of 1913 on or before December first, 1912.

Salary.

SEC. 7. The members of the commission, with the exception of the state mine inspector, shall receive the sum of five dollars per day for each day necessarily employed in the work of the commission, and be further entitled to their actual expenses disbursed during the necessary work

of the commission, said amounts to be paid by proper vouchers upon presentation to the state auditor. The commission shall have power to employ necessary clerical and stenographic assistance, at such compensation as the commission may determine.

SEC. 8. For the purpose of paying the necessary expenses of the commission in this act provided for, the sum of two thousand dollars (\$2000), or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated.

Appropriating \$2,000.

Passed by the Senate February 14, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 124.

[S. B. 167.]

RELATING TO STATE SOLDIERS' HOME AND ADMISSION THERETO.

AN ACT relating to the State Soldiers' Home and admission thereto, and amending section 1 of chapter 152 of the Session Laws of 1905.

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

SECTION 1. That section 1, of chapter 152, of the Session Laws of 1905, be amended to read as follows:

[Amending § 8908, Rem.-Bal.]

Section 1. That section 2 of an act entitled, "An act to amend sections 2631 and 2632, Ballinger's Annotated Codes and Statutes of Washington, relating to the State Soldiers' Home," approved March 18, 1901, be amended to read as follows: Sec. 2. All honorably discharged Union soldiers, Mexican war veterans, veterans of Washington Indian wars, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled while in the line of duty, may be admitted to the home provided for in the last preceding section of this chapter under such rules and regulations as may be adopted by the state board of control: *Provided*, Such applicants are *bona fide* citizens of the state, and honor-

Qualifications.

ably discharged soldiers, sailors, marines, soldiers of the Spanish-American war, who are married and living with their wives at the date of the passage of this act, and who have been actual *bona fide* residents of this state for a period of two years at the time of their application and who are indigent and unable to earn a support for themselves and their families, and the widows, who have not remarried, of such soldiers, sailors, marines, veterans of Washington Indian wars and soldiers of the Spanish-American war who are indigent and unable to earn a support for themselves, whose husbands were members of the State Soldiers' Home, who reside within the corporate limits of Orting precinct adjoining said home and the Veterans' Home at Port Orchard, may be admitted to said homes and be members of said homes to all intents and purposes, and subject to all rules and regulations of said homes, except the requirements of fatigue duty, and said married members aforesaid shall, through rules and regulations adopted by the state board of control, be supplied with medical attendance from the home dispensary, and rations from the home supplies not to exceed seven dollars (\$7.00) per month, and clothing not to exceed sixteen dollars (\$16.00) per annum.

Allowances.

Passed by the Senate February 17, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 125.

[S. S. B. 201.]

RELATING TO FORESTS, FIRE WARDENS AND FOREST RANGERS.

AN ACT relating to the forests of the state; providing for fire wardens and forest rangers and a state forester and fire warden, defining the powers and duties of such officers and of the state board of forest commissioners, providing punishment for the violation of this act, and repealing sections two to twelve inclusive of chapter 164 Session Laws of the State of Washington of 1905.

[This act amends §§5277 to 5286, inclusive, Rem.-Bal.]

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

SECTION 1. In this act, unless the context or subject-matter otherwise requires, the word "board" shall be held to mean "state board of forest commissioners"; "forester" shall be held to mean "state forester and fire warden"; "warden" shall be held to mean "fire warden"; "wardens" shall be held to mean "fire wardens"; "ranger" shall be held to mean "forest ranger"; "rangers" shall be held to mean "forest rangers"; "one" shall be held to mean "person, firm or corporation," and "forest material" shall be held to mean "forest, slashing, chopping, woodland or brushland."

Defining terms.

SEC. 2. The board shall supervise all matters of forest policy and forest management under the jurisdiction of the state, and shall have power to authorize all needful and proper expenditures for forest protection; it shall have full power to appoint a forester; to make rules and regulations for the prevention, control and suppression of forest fires as it deems necessary; to regulate and control the official acts of the forester, his assistants, the wardens, and the rangers, and to remove at will any of these officials. It shall be the duty of the board to collect information regarding the timber lands owned by the state, through investigation made by the forester, his assistants, the wardens and the rangers regarding the condition of the timber lands belonging to the state, the investigation

Board to supervise.

[Amending § 5277, Rem.-Bal.]

Collect information.

to include any damage caused by forest fires, and any illegal cutting, or trespassing upon the state timber lands.

Accept
grants
of land.

The board is hereby authorized, when in its judgment it appears advisable, to accept on behalf of the state, any grant of land within the state, which shall then become a part of the state forests: *Provided*, That no grant shall be accepted until the title has been examined and approved by the attorney general of the state and a report made to the board of the result of such examination.

Appoint
forester.

[Amending
§ 5278.
Item.-Bal.]

SEC. 3. The board shall appoint a forester at an annual salary, the amount of which shall be fixed by the board, and payable in equal monthly installments out of the state treasury, in the same manner as the salaries of other state officials are paid.

The forester shall be entitled to all office and other necessary expenses incurred by him under the authority of the board while in the actual performance of his duties. All expenses so incurred shall be submitted in full detail to the board for examination, and if approved and allowed by the board, shall be presented to the state auditor, who shall, if found correct, draw his warrant upon the state treasurer for the amount so allowed, and the state treasurer is hereby authorized to pay said amount due out of any moneys in the state treasury appropriated for this purpose.

Board to
audit bills.

The board shall audit and inspect all bills of salary and expenses incurred by the wardens for their official accounts, and all other bills properly authorized by the wardens for the prevention, suppression, checking, or control of forest fires. When so audited and inspected, the board shall present a statement thereof for each county, accompanied by the original bills, to the state auditor, who shall audit the same, and if found correct, the state auditor shall draw his warrant on the state treasurer in payment thereof, and the state treasurer is hereby authorized to pay said warrants out of any money in the treasury appropriated for such purposes.

SEC. 4. The forester may at his discretion, subject to the approval of the board, appoint trained forest assist-

ants, possessing technical qualifications, and may employ necessary clerical assistants, and fix the amount of their respective salaries, which shall be payable in equal monthly installments to each assistant so appointed or employed.

Appoint
assistants.

He shall act as secretary of the board, or he may delegate that duty to one of his assistants. He shall, acting under the supervision of the board, and whenever he may deem it necessary to the best interests of the state, cooperate in forest surveys, in forest studies, in forest products studies, in forest fire fighting and patrol, and in the preparation of plans for the protection, management, replacement of trees, wood-lots, and timber tracts, with any of the several departments of the governments of other states, and with the government or with the departments of the government of the United States with the Dominion of Canada, or with any province thereof, and with counties, towns, corporations, and individuals within the State of Washington.

[Amending
§ 5279,
Rem.-Bal.]

Co-operate
with other
departments.

He shall, subject to the rules and regulations of the board, have direct charge and supervision of all matters pertaining to forestry, including the forest fire service of the state.

The term "forest fire service" as used in this act shall be held to include all wardens, rangers and help especially employed for preventing or fighting forest fires.

In times of emergency or unusual danger the forester is empowered to mass the forest fire service of the state where its presence might be required by reason of forest fires, and to take charge of, and direct the work of suppressing such fires.

Mass service.

The forester shall enforce all laws for the preservation of the forests within the state, investigate the origin of all forest fires, vigorously prosecute all violators of this act; prepare and print for public distribution an abstract of the forest laws and the forest fire laws of Washington, together with such rules and regulations as may be formulated by the board.

Prosecute
violators.

Publish
information.

The forester may, with the approval of the board, publish for free distribution, information pertaining to forestry, and to forest products, which he may consider of benefit to the people of the state.

It shall be the duty of the forester to annually notify the county clerk in each county where wardens or rangers are appointed, giving the names of such appointees.

The forester shall furnish notices printed in large letters on cloth, calling attention to the dangers from forest fires, and to the penalties for the violation of this act; such notices to be posted in conspicuous places by the wardens or rangers in all timbered districts along roads and trails, streams and lakes, frequented by tourists, campers, hunters and fishermen, and in other visited regions.

Issue
permits.

The forester shall, subject to the approval of the board, prepare all necessary printed forms for use of wardens and rangers, in connection with the granting of applications for permits to burn; for the appointment of wardens and rangers, and any and all forms or blanks required or desirable, and shall supply each warden and ranger with such forms and blanks.

The forester shall become familiar with the location and the areas of all state timbered and cut-over lands, and shall prepare maps of each of the timbered counties showing the state land therein, and supply such maps to each warden, and in all ways that are practical and feasible protect such lands from the dangers of fire, trespass, and the illegal cutting of timber, reporting from time to time direct to the board such information as may be of benefit to the state in the care and protection of its timber.

Furnish
statistics.

It shall be the duty of the forester to institute inquiry into the extent, kind, value and condition of all timber lands within the state; the amount of acres, and the value of the timber that is cut and removed each year, to determine what state lands are chiefly valuable for growing timber; the extent to which timber lands are being destroyed by fire; and also to examine into the production, quality and quantity of second-growth timber, with a view

to ascertaining conditions for reforestation, and not later than the first day of December of each year, make a written report to the board upon all such tracts so examined by him, together with detailed information as to the work of the forest fire service of the state.

Written
report.

SEC. 5. The forester shall, subject to the approval of the board, have power to appoint within any county in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the forester deems that forest fire dangers exist.

Appoint
wardens.

[Amending
§ 5280.
Rem.-Bal.]

The forester may, subject to the approval of the board, and at such times and in such localities as he deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens shall, under the direction of the forester, engage in the discovery of inflammable material, and cause, or assist in, the burning of such material at such times as the burning can be done without endangering adjacent timber, or other property. The said wardens, under the direction of the forester, shall prevent and detect trespass and illegal cutting upon state timber lands, and shall enforce the laws in respect to such trespass and illegal cutting.

Prevent
trespass.

The forester shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the board.

Each warden shall receive compensation not to exceed four dollars (\$4.00) per day, and also necessary and proper expenses for the time actually employed.

Salary.

The wardens shall make their headquarters at the county seat of the county which they represent, and be equipped with suitable office quarters in the county court house by the county commissioners.

Head-
quarters.

The board of county commissioners of any county in

which there has been no warden appointed, may request the forester to appoint a warden, and the forester may, if in his judgment the necessity exists, appoint, subject to the approval of the board, one or more wardens for each county.

Extent of
authority.

The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any adjacent county, or to any part of the state in times of great fire danger.

The salaries and necessary expenses of all wardens, together with all expenses incurred for help and assistance in forest fire protection, shall be borne in the proportion of two-thirds by the state and one-third by the county in which the service was given and the expense incurred for forest fire protection.

Accounts
submitted
to forester.

All accounts of the wardens shall be submitted to the forester, as well as all bills for forest fire protection authorized by the wardens, and when such bills are approved and paid as provided for in section 3 of this act, the amount of one-third of all such outlays in each county shall be due and payable on demand from each of said counties into the state treasury, and credited to the fund appropriated by this act.

Make
reports.

All wardens and rangers shall render reports to the forester on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of country visited, expenses incurred, and such other information as may be called for by the forester.

[Amending
§ 5281.
Rem.-Bal.]

SEC. 6. Each warden shall be at all times under the direction and control of the forester, and shall perform such other duties at such times and places as he may direct.

Post
notices.

It shall be the duty of wardens to post over the forest areas notices of warning giving the date of the closed season as provided for in section 8 of this act, and copies of all such laws and rules as they may be directed to post by the forester.

They shall investigate all fires and report all of a serious or threatening character to the forester immediately. They shall patrol their districts; visit all parts of roads and trails, and frequented places and camps as far as possible. warn campers or other users of fire, see that all locomotives are provided with spark arresters, and with adequate devices for preventing the escape of fire or live coals from ash pans and fire boxes, in accordance with the law; extinguish small or smouldering fires; summon, impress or employ help to stop conflagrations; see that all laws for the protection of forests are enforced, and arrest and cause to be prosecuted all offenders.

Duties.

SEC. 7. All state land cruisers, all game wardens, when approved by the forester, and all rangers and assistant rangers of the United States forest service, when recommended by their forest supervisors, and commissioned by the forester, shall be *ex-officio* rangers.

[Amending
§ 5282.
Item.-Bal.]*Ex-officio*
rangers.

Timber cruisers and citizens of the state advantageously located may, at the discretion of the forester, be appointed rangers, and vested with their duties and powers.

Rangers shall receive no compensation for their services except when employed in co-operation with the state under the provisions of this act, and shall not create any indebtedness, or incur any liability on behalf of the state: *Provided*, That rangers actually engaged in extinguishing, or preventing the spread of fire in brush, slashings, choppings, timber or elsewhere that may endanger timber or other property, shall when their accounts for such services have been approved by the fire warden in authority, be entitled to receive compensation for such services at the rate of twenty-five cents (25c) per hour.

Compensation.

SEC. 8. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the months of June to September, inclusive, in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the forester, or a warden or a ranger, and afterwards complying with the terms of said permit; and any

Closed
season.[Amending
§ 5283.
Item.-Bal.]

one violating any provisions contained in the preceding portions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the board shall prescribe, which shall be only such as the board deems necessary for the protection of life or property.

Penalty.

The forester, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

Revoke permits.

SEC. 9. No one shall burn any forest material until all dry snags, stubs and dead trees over twenty-five (25) feet in height, within the area to be burned, shall have been cut down, and until such other work shall have been done in and around the slashing or chopping, to prevent the spread of fire therefrom, as shall be required to be done by the forester, or any warden or ranger.

When any person shall have obtained permission from the forester, or warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion, furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such man shall serve only until such time as the party burning may be able to keep the fire under control himself.

Furnish supervisor.

The forester and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property in this state. The forester, or any warden by special authority of the forester, may provide needed tools

Prevent spread of fires.

and supplies, and transportation when necessary for men so employed.

Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to compensation of twenty-five cents per hour for each hour's actual service; and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by the forester, the man shall be entitled to receive payment from the state in the manner provided for in section 3 of this act.

Com-
pensation.

Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Penalty.

SEC. 10. In times and localities of unusual fire danger, the governor, with the advice of the forester, may suspend any or all permits or privileges authorized by section eight (8) of this act, and may prohibit absolutely the use of fire therein mentioned.

Whenever during an open season for the hunting of any kind of game within this state, it shall appear to the governor that by reason of extreme drought, the use of fire arms or fire by hunters is liable to cause forest fires, he may by proclamation suspend the open season and make it a closed season for the shooting of wild birds or animals of any kind, for such time as he may designate, and during the time so designated all provisions of law relating to closed seasons for game shall be enforced.

Game laws
suspended
by pro-
clamation.

SEC. 11. Any person who shall wilfully or needlessly deface, or remove any warning placard or notice posted under the requirements of this act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Removing
notices.

[Amending
§ 5284.
Rem.-Bal.]

Any person who shall upon any land within this state, set

and leave any fire that shall spread or damage or destroy property of any kind not his own, shall upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). If such fire be set or left maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail for not less than one month, nor more than one year, or by both such fine and imprisonment, and shall be liable for all damages in a civil suit.

Penalty.

During the closed season, any person who shall kindle a fire on land not his own, in or dangerously near any forest material and leave same unquenched, or who shall be a party thereto, or who shall by throwing away any lighted cigar, matches, or by use of fire arms, or in any other manner, start a fire in forest material not his own, and leave same unquenched, shall upon conviction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not exceeding two (2) months.

Extinguish
fires.

SEC. 12. Any and all inadequately protected forests, or deforested land covered wholly or in part by any inflammable debris, or otherwise likely to further the spread of fire, which by reason of such location or condition, or lack of protection, endangers life or property, when adjoining, lying near, or intermingling with other forest land, is hereby declared to be a public nuisance, and whenever the forester shall learn thereof, he shall notify the owner, or person in control or possession of said land, advise him of means and methods that should be taken for its protection, and request him to take the proper steps to that end.

Notify
owner.

SEC. 13. It shall be unlawful for any one manufacturing lumber or shingles, or other forest products, to destroy wood-waste material by burning the same at or near any mill situated within one-quarter of one mile of any forest material, without properly confining the place of

Burning
wood-waste.

said burning and without further safeguarding the surrounding property against danger from said burning by such additional devices as the forester may require.

It shall be unlawful for any one to destroy any wood-waste material by fire within any burner or destructor operated at or near any mill, and situated within one-quarter of one mile of any forest material, or to operate any power-producing plant using in connection therewith any smokestack, chimney, or other spark-emitting outlet, without installing and maintaining on such burner, or destructor, or on such smokestack, chimney or other spark-emitting outlet, a safe and suitable device for arresting sparks.

Any one violating the provisions of this section shall upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every violation, or by imprisonment of not less than thirty (30) days in the county jail. Penalty.

SEC. 14. It shall be unlawful for any one to operate any spark-emitting railroad locomotive, logging locomotive, logging, or farming engine, or boiler, at any time during the closed season, or for any one to operate any railroad locomotive, logging locomotive, or logging or farm engine or boiler, within one-quarter of one mile of any forest material during the closed season, without such railroad locomotive, logging locomotive, logging, or other engine or boiler is provided with and uses a safe and suitable device for arresting sparks. Relating to closed season.

It shall be unlawful for any one to operate during the closed season any railroad locomotive, logging locomotive, or logging, or other engine or boiler, within one-quarter of one mile of any forest material, without such railroad locomotive, logging locomotive, or logging or other engine or boiler is provided with and uses an adequate device to prevent the escape of fire or live coals from all ash pans, and all fire boxes, except when said ash pans and said fire boxes are being cleaned when not in motion. [Amending § 5285, Item.-Bal.]
Restrictions during closed season.

Every one failing to comply with the provisions of this section, shall upon conviction pay a fine for each railroad locomotive, logging locomotive, or other engine or boiler, for each day so operated without such spark-arresting or without such adequate device to prevent the escape of fire or live coals from said ash pans or said fire boxes, of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) per day for each railroad locomotive, logging locomotive, or other engine or boiler so used, and shall be prohibited from further use of such railroad locomotive, logging locomotive, or other engine or boiler until such spark-arrester or such adequate device for preventing the escape of fire or live coals from said ash pans and said fire boxes, is provided and used therewith.

SEC. 15. No one operating a railroad shall permit to be deposited by his, or its, employees, and no one shall deposit during the closed season, fire or live coals upon the right-of-way outside of the yard limits, and within one-quarter of one mile of any forest material, without such deposit of fire or live coals shall be immediately extinguished.

Any one violating the provisions of this section respecting the deposit of fire or live coals, shall upon conviction pay a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) or be imprisoned in the county jail not exceeding thirty (30) days.

Wardens and rangers shall report any lack of sufficient spark-arresters, and any lack of adequate devices for preventing the escape of fire and live coals, as provided in this act, to the forester, and to the prosecuting attorney of their county, and the superior court of that county where suit is first instituted, shall have jurisdiction of the offense.

SEC. 16. Every one clearing right-of-way for railroad, wagon road, or other road, shall pile and burn on such right-of-way all refuse timber, slashings, choppings and brush cut thereon, as rapidly as the clearing or cutting progresses, and the weather conditions permit, or at such

other times as the forester, or any of his assistants, or any warden may direct, and before doing so, shall obtain a permit.

During the closed season such burning shall not be required to be done, while the forester, any of his assistants, or any warden in authority shall refuse to issue a permit for such burning.

No permit
closed
season.

No one slashing brush or timber for the purpose of clearing land, or cutting or logging timber, shall fell, or permit to be felled, trees, in such a manner that the tops or branches shall fall into green timber not owned by the one felling or permitting the felling of such trees, without first obtaining permission of the owner of said green timber.

SEC. 17. Every one operating a stationary engine, for the logging of timber, or the clearing of land of tree stumps, or other wood material, shall during the closed season:

(a) Maintain a watchman at the point where the said donkey engine, or other portable or stationary engine may be located, said watchman to be on duty for at least two hours following every time when the said donkey engine, or other portable stationary engine shall cease operations.

Maintain
watchman.

(b) Cut down all snags, stubs and dead trees over 25 feet in height within a radius of fifty (50) feet from each donkey engine, or other portable or stationary engine.

Regulations.

SEC. 18. Every one operating a logging locomotive during the closed season, shall:

Have a man whose duty it shall be to follow each logging locomotive, except a locomotive using oil for fuel, for the purpose of acting as fire patrol, the said man to begin the said patrol at approximately thirty (30) minutes after the starting of the logging locomotive which it is his duty to follow.

Fire patrol.

Any one who shall violate any of the provisions contained in section sixteen (16), seventeen (17) or eighteen (18) of this act, shall be punished by a fine not to exceed

Penalty.

one hundred dollars (\$100.00) or by imprisonment in the county jail for not less than thirty (30) days.

SEC. 19. The forester, his assistants, wardens, rangers, and all police officers are hereby empowered to make arrests without warrant of persons violating this act.

[Amending
§ 5286,
Rem.-Bal.]

Duty of
prosecuting
attorney.

SEC. 20. Whenever an arrest shall have been made for a violation of any of the provisions of this act or whenever information of such violation shall have been lodged with him, the prosecuting attorney of the county in which the criminal act was committed, shall prosecute the offender or offenders, with all diligence and energy. If any prosecuting attorney shall fail to comply with the provisions of this section, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and by imprisonment of not less than thirty (30) days, nor more than one year in the county jail. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint under oath of violation of any provisions of this act has been lodged with him.

Penalty.

SEC. 21. All fines collected under this act shall be paid into the county treasury of the county in which the offense was committed.

Fines.
[Sec § 5284,
Rem.-Bal.]

Repeal.

SEC. 22. All acts or parts of acts inconsistent with this act are hereby repealed.

Passed by the Senate March 8, 1911.

Passed by the House March 9, 1911.

Approved by the Governor March 18, 1911.

CHAPTER 126.

[H. B. 2.]

RELATING TO GARNISHMENTS IN JUSTICE COURTS.

AN ACT relating to garnishments in justice courts in the State of Washington, and amending sections 1, 2, 3, 4, and 12, of chapter 160 of the Session Laws of 1909.

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

SECTION 1. That section 1 of chapter 160 of the laws of 1909, be, and the same is, hereby amended to read as follows: Section 1. The justices of the peace in the various precincts in this state may issue writs of garnishment, returnable to their respective courts, where the plaintiff sues for a debt which is just, due and unpaid; or where the plaintiff has a judgment wholly or partially unsatisfied in the court from which he seeks to have the writ of garnishment issued.

[Amending
§ 1823,
Rem.-Bal.]

SEC. 2. That section 2 of said act be, and the same is, hereby amended to read as follows: Sec. 2. Before the issuance of the writ of garnishment, the plaintiff, or someone in his behalf, shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, and that he has reason to believe and does believe that the garnishee is indebted to the defendant or that he has in his possession or under his control personal property or effects belonging to the defendant, or that the garnishee is a corporation and that the defendant is the owner of shares of the capital stock thereof, and that the garnishment applied for is not sued out to injure either the defendant or the garnishee.

[Amending
§ 1824,
Rem.-Bal.]

Application
by affidavit.

Purpose
not to
injure.

SEC. 3. That section 3 of said act be, and the same is, hereby amended to read as follows: Sec. 3. When the foregoing requisites have been complied with, the justice of the peace shall, without additional fee, docket the case in the name of the plaintiff, as plaintiff, and of the garnishee as defendant, and shall immediately issue a writ of garnishment, directed to the garnishee commanding him to appear before the justice who issues the writ,

[Amending
§ 1825,
Rem.-Bal.]

Time to appear.

at a certain place, day and hour, which shall not be less than six nor more than twenty days from the date of the issuance of the writ, to answer on oath in what amount, if any, he was indebted to the defendant when such writ was served upon him, and what personal property or effects, if any, of the defendant he had in his possession or under his control when such writ was served upon him; and where it appears from the affidavit for the writ that the garnishee is a corporation in which the defendant is the owner of shares, the writ of garnishment shall further require the garnishee to answer what number of shares, if any, the defendant owned in such corporation when such writ was served upon it. The writ of garnishment shall be served at least five days before the time for answer mentioned therein.

Writ, when served.

[Amending § 1826, Rem.-Bal.]

SEC. 4. That section 4 of said act be, and the same is, hereby amended to read as follows: Sec. 4. Said writ shall be substantially in the following form:

Form of writ.

The State of Washington, To
Greeting:

Whereas, in the justice court in and for..... precinct, county. State of Washington, before, Justice of the Peace, in a certain cause wherein is plaintiff and is defendant, the plaintiff claiming an indebtedness (or having a judgment, as the case may be) against the said of dollars, besides interest and costs of suit, has applied for a writ of garnishment against you:

Now, therefore, you are hereby commanded to be and appear before the said justice at his office in said county, on the day of, 19...., at o'clock in thenoon of said day, then and there to answer upon oath in what amount, if any, you were indebted to the said when this writ was served upon you, and what personal property or effects, if any, of the said you had in your possession or under your control when this writ was served upon you (and if the garnishee be

a corporation in which the defendant is alleged to be the owner of shares, then the writ shall proceed: And further to answer what number of shares, if any, the said owned in, a corporation, when this writ was served upon you).

Dated this day of, 19.....

.....

Justice of the Peace.

SEC. 5. That section 12 of said act be, and the same is, hereby amended to read as follows: Sec. 12. Should the garnishee fail to answer the writ by the time prescribed therein, the court shall, upon application of the plaintiff therefor, declare and enter the default of the garnishee and shall thereafter render judgment as follows:

[Amending § 1834, Rem.-Bal.]

Enter default.

In case the plaintiff has a judgment against the defendant, judgment shall be rendered against the garnishee for the full amount of such judgment with all accruing interest and costs.

In case judgment has not been rendered in the principal action at the time when the default of the garnishee is declared and entered, final judgment shall not be rendered against the garnishee until the final judgment in the principal action is entered; and if the plaintiff recovers judgment against the defendant, the court shall enter judgment against the garnishee for the full amount of the judgment awarded to the plaintiff against the defendant; but if the plaintiff fails to recover judgment against the defendant, the garnishee shall be discharged without costs.

Court enter judgment.

Passed by the House January 19, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 127.

[H. B. 39.]

FOR RELIEF OF INDIAN WAR VETERANS.

AN ACT for the relief of Indian war veterans of the wars of 1855 and 1856.

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

SECTION 1. That there be and hereby is appropriated out of the general funds in the treasury of the State of Washington the sum of \$5,000.00, or so much thereof, as shall be necessary, to pay the veterans of the Indian wars of 1855 and 1856, who served under and by virtue of the directions of the officers of Washington Territory, for their said service, under the conditions and upon the terms hereinafter provided.

Appropriating
\$5,000.

SEC. 2. That each non-commissioned officer and private who served the Territory of Washington in the Indian wars of 1855-1856 shall be entitled for such service the sum of \$2.00 per day for himself, and all commissioned officers shall receive such sum as was paid to officers of the same rank of the army of the United State at said time: *Provided*, That any amount paid on account thereof by the United States shall be deducted therefrom.

Compensation.

SEC. 3. The claim for such services, verified by the claimant, shall be presented to the adjutant general, who shall, without additional cost to the state, examine and pass upon the same, and may require additional and corroborative evidence in support thereof; and he shall prepare, certify and file with the state auditor proper vouchers showing the amount payable to the claimant under the provisions of this act. Thereupon the state auditor shall issue his warrant for the amount found due to the claimant.

Claims to
adjutant
general.

SEC. 4. This act, so far as the same relates to the pay of volunteers, shall be construed as to apply to all who have been in the service of the Territory of Washington,

now State of Washington, during the Indian wars of 1855-1856, and it shall extend to the services of the regiment of the Washington militia while the same was in actual service during said war. Act applies to whom.

Passed by the House January 31, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 18, 1911.

CHAPTER 128.

[H. B. 481.]

PROVIDING FOR BRIDGE ACROSS THE SKAGIT RIVER.

AN ACT to provide for the construction and maintenance of a wagon bridge across the Skagit river between sections 7 and 8, in township 34, north range 4 E. W. M., and making an appropriation therefor.

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

SECTION 1. There is hereby appropriated from the state highway fund the sum of seventy thousand dollars (\$70,000), or so much thereof as may be necessary for the construction of a wagon bridge spanning the Skagit river, between sections 7 and 8, in township 34, north range 4 E. W. M., along the line of the proposed state highway known as the Pacific Highway, or state road No. 6, at a point to be designated by the state highway commissioner: *Provided, however,* That the same shall not become available until the county of Skagit shall have appropriated and paid into the state treasury of the State of Washington to the credit of the state highway fund the sum of thirty-five thousand dollars (\$35,000) for the purpose aforesaid. Appropriating \$70,000.

SEC. 2. Said bridge shall be constructed under the supervision of the state highway commissioner in the same manner as is provided for the construction of bridges upon state roads, and the cost thereof shall be paid by the state treasurer upon warrants drawn by the state Highway commissioner supervise.

auditor in the manner provided by law, in no event to exceed the sum of \$70,000 hereby appropriated. Said bridge when completed shall be maintained by the county of Skagit: *Provided, however,* That the said bridge shall at all times be the absolute property of the State of Washington, and be under the control of the board of highway commissioners.

Maintained
by Skagit
county.

Passed by the House March 4, 1911.

Passed by the Senate March 8, 1911.

Approved by the Governor March 17, 1911.

CHAPTER 129.

[H. B. 243.]

RELATING TO SUPERIOR COURTS OF CERTAIN COUNTIES:

AN ACT relating to the superior courts in the counties of Cowlitz, Clarke, Skamania and Klickitat, and declaring an emergency.

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

SECTION 1. The counties of Cowlitz, Skamania and Klickitat shall constitute one judicial district and be entitled to one superior judge. A vacancy is hereby declared to exist in the office of superior judge for such district and the governor shall appoint a person as superior judge to fill such vacancy.

[See §9050,
Rem.-Bal.]

Constitute
judicial
district.

SEC. 2. The county of Clarke shall constitute a judicial district and be entitled to one superior judge and the superior judge heretofore elected in and for the counties of Cowlitz, Clarke, Skamania and Klickitat shall, for the remainder of his term, be superior judge in and for the county of Clarke.

Relating
to Clarke
county.

SEC. 3. At the general election in November, 1912, there shall be elected one judge of the superior court for the judicial district composed of Clarke county and one judge of the superior court for the judicial district composed of Cowlitz, Skamania and Klickitat counties, who shall hold their respective offices for the term of four years and until their successors are elected and qualified;

Providing
judges.

and every four years thereafter there shall be elected at the general election one judge of the superior court for each of said judicial districts, whose terms of office shall be four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified.

SEC. 4. An emergency is hereby declared to exist and this act shall take effect immediately. Emergency.

Passed by the House February 24, 1911.

Passed by the Senate March 2, 1911.

Approved by the Governor March 20, 1911.

CHAPTER 130.

[H. B. 382.]

RELATING TO SALE AND REMOVAL OF TIMBER FROM
STATE, SCHOOL AND GRANTED LAND.

AN ACT relating to the sale and removal of timber from state, school and granted land.

[This act amends a part of § 6667, Rem.-Bal., and also 6670 on sales since Jan. 1, 1905; see also § 6669.]

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

SECTION 1. In all cases where timber on state school and granted land has heretofore been sold separate from the land, the purchaser shall be allowed five years from the date of sale within which to remove said timber: *Provided*, That the board of state land commissioners may extend the time for the removal thereof for any period not exceeding ten years from the date of first renewal of said contract, upon application being made for such extension, and upon the payment of the sum or rent of one dollar and fifty cents per acre, per annum; the said rental so received to be paid into the various funds as now provided by law: *Provided, however*, This act shall not operate to grant any extension of time for a longer period than ten years from the first day of June, 1905, and shall only apply to sales made prior to 1905.

Time limit.

Rental per acre.

Special application.

Passed by the House February 28, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 20, 1911.

CHAPTER 131.

[H. B. 244.]

RELATING TO SUPERIOR COURTS OF CERTAIN COUNTIES.

[See §9050,
Rem.-Bal.]

AN ACT relating to the superior courts of the counties of Lewis, Pacific and Wahkiakum, the election and appointment of judges therein and declaring an emergency.

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

Provisions.

SECTION 1. That hereafter there shall be in the county of Lewis one superior judge.

SEC. 2. That hereafter there shall be in the counties of Pacific and Wahkiakum, jointly, one superior judge.

Governor
appoint.

SEC. 3. The governor shall upon the taking effect of this act appoint a superior judge for the counties of Pacific and Wahkiakum, who shall hold his office from the time of his appointment until the next general election and until his successor is elected and qualified.

SEC. 4. The judge heretofore elected to preside over the superior court for the counties of Lewis, Pacific and Wahkiakum shall be and remain, during his term of office and until the election and qualification of his successor, the judge of the superior court for the county of Lewis.

Emergency.

SEC. 5. An emergency exists and this act shall take effect immediately.

Passed by the House March 3, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 20, 1911.

CHAPTER 132.

[S. B. 212.]

RELATING TO THE MANAGEMENT OF THE JUTE MILL AT THE STATE PENITENTIARY.

AN ACT relating to the management of the jute mill at the state penitentiary, regulating the purchase, manufacture and sale of jute and other products manufactured at the state penitentiary, defining the duties of the state board of control in connection therewith, repealing sections 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566 and 8567 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

Repeals §§8559-8567, inclusive, Rem.-Bal.]

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

SECTION 1. The state board of control is authorized and empowered to purchase jute and other products and fabrics for use in the state penitentiary; and the jute and other fabrics and products manufactured at the state penitentiary shall be sold for such prices as shall in the judgment of the board be for the best interests of the state.

Purchase jute.

SEC. 2. The jute grain sacks and other fabrics and products manufactured at the state penitentiary shall be sold directly to the farmers, oyster growers or wool growers of the State of Washington, who are actually engaged in farming, oyster culture and wool growing, and no sacks shall be sold within the State of Washington to any person not engaged in farming or oyster culture and wool growing: *Provided, however,* That the state board of control may, between April first and January first of each year, dispose of any of the penitentiary products, including grain sacks, in the open market of the world at such prices as they shall deem to be for the best interests of the state. The products sold to residents of the State of Washington shall be sold under such rules, regulations and terms as may be provided by said board, for cash: *Provided,* That the said board of control may in its discretion accept in lieu of cash a certificate of deposit upon any state or national bank doing business in the State of Washington, payable not later than the 15th day of De-

Sold directly to citizens of state.

Exception.

Board may accept certificate of deposit.

Interest
rate.

ember of the current year, said certificate of deposit to bear interest at the rate of three per cent. per annum. The products of the penitentiary shall be sold as near as may be in the order of the making of written application therefor, on blanks to be provided by the board. All payments for jute products and other fabrics and products shall be made to the superintendent of the state penitentiary, who is alone authorized to receipt therefor, and he shall keep a correct account of all sales, showing to whom sold, when sold, the quantity of each article sold, and the amount paid; and the warden of the penitentiary shall submit a transcript of said account of sales to the legislature through the board at each session thereof, and shall report the amount of such sales monthly to the state auditor.

Keep
account
of sales.

Authority
of board.

SEC. 3. The state board of control is authorized to purchase jute and other raw material for use in the penitentiary in the open market of the world, upon such terms as shall be for the best interests of the state; and the said board is authorized to make such freight arrangements for the transportation of such raw material and jute as may be for the best interests of the state; and the board of control in conjunction with the superintendent of the penitentiary may appoint a purchasing agent or agents for the purchase of such raw material or jute, and an agent or agents for the sale and disposition of the manufactured product, which agents shall be under the direction and exclusive jurisdiction of the state board of control, and the compensation and necessary expenses of such agents shall be paid out of the proper fund provided by law for the penitentiary.

Price fixed.

SEC. 4. The price at which all grain sacks manufactured at the penitentiary shall be offered for sale shall be fixed by the state board of control at such time in each year as the board shall consider proper; and the board shall apportion all sacks manufactured among the grain growing counties of the State of Washington, pro rata, according to the quantity of grain produced in each of

said counties, during the current year as determined by the state grain inspector, and it shall be the duty of the state grain inspector to ascertain and determine approximately the yield of grain in each of said counties for said purpose. Such estimate shall be furnished to the board on or before December 31st of each year, and it shall be the duty of the board immediately following such apportionment to cause notice to be published in an official newspaper in each of the said counties, in which notice of the quantities of grain sacks apportioned to such county and the price fixed for the sale of the same shall be stated, and the manner and time of application shall be set forth: *Provided, however,* That such apportionment shall not be necessary from April first to January first of each year, at which time the grain sacks manufactured at the penitentiary may be sold in the open market of the world.

Pro rate
by grain
inspector
reports.

Publish
notice.

SEC. 5. Any resident of the State of Washington actually engaged in growing grain within the state may apply for as many of said sacks as he shall require for his individual use, which application shall be made upon blanks prescribed and furnished by the board. In making the application he shall state, under oath, the acreage of grain sown by him for that season, the probable aggregate yield therefrom, that the sacks applied for are for his individual use, and such other facts as the board of control may require. All such applications for grain sacks must be made and filed with the superintendent of the state penitentiary prior to the first day of April of each year. In the event that all of the sacks assigned to any one county shall not be applied for and sold, the state board of control may sell all of such sacks elsewhere in the open market of the world, on such terms and prices as they shall deem to be for the best interests of the state.

Who may
apply.

Application
filed with
superin-
tendent.

SEC. 6. Upon receiving notice of the acceptance of his application, wholly or in part, the applicant shall forthwith transmit to the superintendent of the state penitentiary one-tenth of the purchase price of said sacks, and the balance before delivery and not later than September

Pay one-
tenth.

first. If payment in full is not made before September first, in cash or by certificate of deposit, as provided for in this act, the one-tenth paid as above shall be forfeited to the State of Washington.

Board make
rules.

SEC. 7. The state board of control shall make all rules and regulations consistent with this act, and necessary to carry into effect the purposes thereof, and shall provide a uniform and complete form of application for sacks and furnish the same free of cost to all applicants therefor.

Construction.

SEC. 8. This act shall be construed liberally with reference to the powers and duties of the warden of the state penitentiary and the state board of control, so that the best interests of the state will be subserved thereby.

SEC. 9. [Vetoed] The state board of control shall at all times keep in the penitentiary a sufficient number of convicts to run the jute mill in connection with the penitentiary at full capacity, and the board shall arrange and provide in accordance with the provisions of this section to have the said jute mill running at full capacity during the entire year if practicable, and for that purpose a sufficient number of convicts shall be at all times assigned to that work.

Sections
repealed,
§§ 8559-8567
inclusive,
Rem.-Bal.

SEC. 10. Sections 8559, 8560, 8561, 8562, 8563, 8564, 8565, 8566 and 8567 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same are hereby repealed.

Emergency.

SEC. 11. An emergency exists and this act shall take effect immediately.

Passed by the Senate March 3, 1911.

Passed by the House March 9, 1911.

Approved by the Governor except as to section nine (9), which is disapproved, March 20, 1911.

CHAPTER 133.

[S. S. B. 105.]

RELATING TO CRIMES AND PUNISHMENTS.

AN ACT amending section 193, and repealing section 284 of chapter 249, Session Laws of 1909, entitled "An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts," approved March 22, 1909.

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

SECTION 1. That section 193 of an act entitled "An act relating to crimes and punishments and the rights and custody of persons accused or convicted of crime, and repealing certain acts," approved March 22, 1909, be and the same is hereby amended to read as follows: Sec. 193. Keepers of Concert Saloons, etc.

[Amending
§ 2445,
Rem.-Bal.]

Every person who—

(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors are sold; given away or disposed of—except a restaurant or dining room, any person under the age of twenty-one years; or, Age limit.

(2) Shall admit to, or allow to remain in any dance house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of twenty-one years; or,

(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium, or any preparation thereof, is smoked, or where any narcotic drug is used, any person under the age of twenty-one years; or,

(4) Shall sell or give, or permit to be sold, or given to any person under the age of twenty-one years any intoxicating liquor, cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or,

Relating to
firearms.

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, pistol, or toy pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

Relating to
cigarettes
and tobacco.

Any person under the age of twenty-one years who shall purchase, or shall have in his or her possession, any intoxicating liquor, cigar, cigarette, cigarette paper or wrapper, or tobacco in any form, shall be guilty of a misdemeanor.

[Repeals
§ 2536,
Rem.-Bal.]

SEC. 2. That section 284, chapter 249, Session Laws, 1909, be and the same is hereby repealed.

Passed by the Senate February 28, 1911.

Passed by the House March 3, 1911.

Approved by the Governor March 20, 1911.

CHAPTER 134.

[S. B. 166.]

RELATING TO TRAIN CREWS.

AN ACT relating to the safety of employees and passengers on railroads, prescribing the number of men that shall constitute a train crew, and providing a penalty for the violation thereof.

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

Unlawful
operation.

SECTION 1. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any passenger, mail or express train consisting of four or more cars with less than a full passenger crew consisting

of five men, to-wit: one engineer, one fireman, one conductor, one brakeman and one flagman (said flagman to have had at least one year's experience in train service) and none of the said crew shall be required or permitted to perform the duties of train baggageman or express messenger while on the road.

Single
duties only.

SEC. 2. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any freight train consisting of twenty-five or more cars exclusive of engine and caboose, with less than a full train crew consisting of six men, to-wit: one engineer, one fireman, one conductor, two brakemen and one flagman (said flagman to have had at least one year's experience in train service): *Provided, however,* That light engine, without cars, shall have the following crew, to-wit: one engineer, one fireman and one conductor.

Six men
crew.

Exceptions.

SEC. 3. Each train or engine run in violation of section one or two of this act shall constitute a separate offense: *Provided,* That nothing in this act shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each twenty-four hours.

SEC. 4. Any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway in the State of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

Penalty.

Fine.

SEC. 5. It shall be the duty of the railroad commission to enforce this act.

Passed by the Senate February 28, 1911.

Passed by the House March 8, 1911.

Approved by the Governor March 21, 1911.

RESOLUTIONS AND MEMORIALS.

SENATE JOINT RESOLUTION No. 1.

Be it resolved by the Senate and the House of Representatives of the Legislature of the State of Washington:

That the following amendment to the constitution of the United States, submitted to the several states by Congress, pursuant to article five (5) of said constitution be and the same is hereby ratified, as follows, to-wit: "Article XVI. The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several states and without regard to any census or enumeration."

Passed by the Senate January 26, 1911.

Passed by the House January 26, 1911.

SENATE JOINT RESOLUTION No. 4.

Be it resolved by the Senate and the House of Representatives of the Legislature of the State of Washington:

That a joint committee of four members of the Senate and four members of the House be appointed to meet and confer with a like committee from the Oregon Legislature for the purpose of considering changes and improvements in the joint fishing laws enacted by the Legislatures of the two states during the sessions of 1909, in order that all conflict of authority between the two states may be avoided and the present friendly and economic conditions continued, and the Secretary of the Senate is hereby instructed to transmit a certified copy of this resolution to the Legislature of the State of Oregon.

Passed by the Senate January 12, 1911.

Passed by the House January 12, 1911.

SENATE JOINT RESOLUTION No. 5.

WHEREAS, The Legislature of 1909, by chapter seventy-eight of the Session Laws, provided for the purchase of the bridge across the Columbia river, known as the "Wenatchee Bridge"; and,

WHEREAS, The Highway Board refused to make said purchase upon the terms therein stated; and,

WHEREAS, A joint committee of the Senate and the House of this Legislature have recommended that said bridge be purchased upon the following terms, to-wit:

That the state pay for said bridge the sum of one hundred and twenty-five thousand dollars.

That the Washington Bridge Company, the owner of said bridge, transfer the same to the State of Washington by warranty deed, free and clear from all encumbrances.

That the State of Washington grant to the Wenatchee Canal Company an easement, to continue during the maintenance of said bridge, for the purpose of carrying the two pipe lines now over or suspended from said bridge, for the purpose of carrying water for irrigating lands on the east side of the Columbia river, in Douglas county.

The said easement to be granted upon the following conditions:

1. That said Canal Company pay all expense of maintaining and repairing all pipes and brackets or supports used exclusively for the purpose of holding in place said pipe lines across and along said bridge.
2. That in addition thereto the said Canal Company to pay one-third of the maintenance of said bridge.
3. That when the present pipes now upon said bridge become so deteriorated that it will be necessary in the judgment of the Board of Highway Commissioners that the same should be replaced with new pipe, the Canal Company shall replace said pipe at its own cost the entire length of said bridge with new steel pipe, of approved

manufacture and quality; said installation to be approved by the State Highway Board.

4. That the failure of the Canal Company to comply with any condition herein stated shall work a forfeiture of said easement.

All suits now pending concerning the purchase of said bridge shall be dismissed, with prejudice, and without costs to either party.

Now, therefore, be it resolved by the Twelfth Legislature of the State of Washington: That the Board of Highway Commissioners be, and they are hereby authorized and directed to purchase said bridge upon the terms and conditions above set forth, and to pay for the same the sum of \$125,000.00, as provided in said chapter 78 of the Session Laws of 1909.

And be it further resolved: That all acts and things done by the said State Highway Board or to be done by them in the completion of the purchase of said bridge be, and the same is in all matters and things fully approved, ratified and confirmed.

Passed by the Senate January 26, 1911.

Passed by the House January 30, 1911.

SENATE JOINT RESOLUTION No. 10.

WHEREAS, It is proposed to build a state capitol building or buildings for the State of Washington, and other buildings for different state institutions of the state; and

WHEREAS, The State of Washington has an abundant supply of stone, marble and other excellent building materials for such purposes;

Now, therefore, be it resolved by the Senate and House of Representatives of the Legislature of the State of Washington: That hereafter in the erection or construction of the capitol building or buildings, or in the erection or construction of buildings for any of the state institutions, Washington stone, marble and other building materials

and products be used; and that so far as possible all state buildings of every kind and character hereafter constructed, shall be constructed of Washington products and building materials.

Resolved, further, That a copy of this resolution be transmitted to the Governor of the state, and an additional copy be transmitted to the State Board of Control.

Passed by the Senate March 3, 1911.

Passed by the House March 6, 1911.

HOUSE JOINT RESOLUTION No. 2.

Be it resolved by the House, the Senate concurring, That the people of the State of Washington, through their Legislature now assembled, most emphatically and earnestly protest against the Federal Government of the United States assuming or attempting to assume the jurisdiction and control of any of the fisheries within the territorial limits of the State of Washington, and we particularly protest against the joint control of any part of said fisheries by the United States Federal Government and the Dominion of Canada, as proposed by a treaty convention between the United States and Great Britain signed at Washington on April 11, 1908.

The State of Washington hereby reaffirms its title to all the public fisheries within its territorial limits, and insists that it has the exclusive right, by virtue of its sovereignty, to keep, control and regulate all the fisheries within its borders without Federal interference.

Be it resolved further, That a copy of this resolution be forthwith transmitted to the United States senators and representatives from the State of Washington, and that they be thereby requested to use all honorable means within their power to prevent any action of the Congress tending to ratify or make said treaty effective.

Passed by the House January 19, 1911.

Passed by the Senate January 26, 1911.

HOUSE JOINT RESOLUTION No. 3.

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

SECTION 1. That the present investigating committee appointed under provision of House concurrent resolution No. 2, to investigate the National Guard of the State of Washington, be and the same is hereby empowered to investigate the construction of the Bellingham armory.

SEC. 2. Said commission shall have authority to examine the said building, the method of construction thereof, the materials in, or being put therein, or used in the construction thereof, to examine the plans and specifications for said armory and the contracts for and accounts in connection with the construction thereof; and may hold sessions at Bellingham and elsewhere, and may subpoena and examine witnesses and compel the attendance of witnesses or the production of any book or papers or other matter before them to the extent of a full and complete investigation as to said commission shall be deemed necessary.

SEC. 3. All expenses incurred by said commission in the summoning of witnesses, witness fees, clerk hire, or otherwise, shall be reported to the Senate and House respectively and when approved by the Senate and House respectively shall be paid as other legislative expenses are paid. The actual traveling and hotel expenses of the individual members of said commission shall be paid by their respective houses.

Passed by the House February 6, 1911.

Passed by the Senate February 23, 1911.

HOUSE CONCURRENT RESOLUTION No. 17.

WHEREAS, House bill No. 284 embraces the proposed water code heretofore prepared by the Code Commission appointed by Governor M. E. Hay for that purpose; and,

WHEREAS, No arrangements were made for the printing and publishing of said proposed code until after the introduction of said House bill No. 284; and,

WHEREAS, The members of the Committee on Irrigation and Arid Lands, and the members of the Legislature, have been unable to give proper consideration to said proposed water code during the present session because of the fact that due publicity has not been given to the same; therefore

Be it resolved by the House, That two thousand copies of said House bill No. 284 be printed in pamphlet form for the use of the members of the Legislature and the state officers, for the purpose of giving publicity to said proposed water code, in order that the same may be acted on intelligently at the next session of the Legislature.

Passed by the House March 6, 1911.

Passed by the Senate March 7, 1911.

SENATE JOINT MEMORIAL No. 2.

To the President and Congress of the United States of America:

Your memorialists, the Legislature of the State of Washington, prays that the land and buildings comprising the Fort Walla Walla military reservation and barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn except a few necessary caretakers, so that in future the

preservation of the property will be a burden upon the government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the nation will derive the greatest benefit from the property by entrusting it to an institution in every way worthy, and capable of using it in the cause of higher education.

There is within the boundaries of the reservation, a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States, without contributing anything to the wealth of the nation as a land proprietor and other acquisitions of territory except the Oregon country were purchased and paid for out of the national treasury, but more than 300,000 square miles of country, comprising the states of Oregon, Washington, Idaho and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and

his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our nation loves to honor those whose names illuminate the pages of its history. For that purpose the government has willingly expended liberal appropriations in payment for statuary, monuments and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend of Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large.

In return for the national aggrandizement, resulting directly from the exertion, privations and sacrifices of the Oregon pioneers, the nation can well afford to bestow one section of land and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three northwestern states have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed non-sectarian Christian college intended to supply the need of those states for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States and its destiny is to grow in importance, as the country surrounding it shall advance in all the ways that mark the development of arts and sciences.

The State of Washington and its citizens have paid for and donated to the United States, the land comprised within two military posts, viz.: Fort Lawton, near Seattle; and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the government, involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and

their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Passed by the Senate January 16, 1911.

Passed by the House January 16, 1911.

SENATE JOINT MEMORIAL No. 4.

*To the Honorable Senate and House of Representatives
in Congress Assembled:*

We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled (twelfth regular session), respectfully petition:

That the bill now before Congress providing that appeal may be taken from the decisions rendered by the Secretary of the Interior to the circuit court of the United States in and for the District of Columbia, be modified in that appeals from the decisions of the Secretary of the Interior, be taken to the circuit court of the United States for the district in which the land under controversy is situated; and that the bill when so amended be enacted into law.

Passed by the Senate February 9, 1911.

Passed by the House March 4, 1911.

SENATE JOINT MEMORIAL No. 5.

WHEREAS, The Rainier National Park, in the State of Washington, containing within its boundaries the noblest of American mountains, with the most important glaciers and some of the most noteworthy examples of glacial action to be found in the United States south of Alaska, is, by reason of government ownership, wholly dependent upon Congressional appropriation for the protection of its great forest areas and to make it accessible to students, tourists and the general public; and

WHEREAS, Congress has hitherto appropriated sums aggregating \$225,000.00 for the survey and construction

of a highway from the western boundary to Paradise Valley, in said national park, a distance of 24 miles, which highway has opened to vehicles a great scenic region that is already visited by many thousands of persons annually; and

WHEREAS, The greater portion of said national park, including the largest glaciers and the most valuable forest, is still inaccessible to tourists and incapable of protection from fires for want of proper roads and trails; and

WHEREAS, A bill is now before Congress appropriating \$50,000.00 for surveys and the beginning of construction of a road continuing the aforesaid highway entirely around Mount Rainier, within the boundaries of said national park; which appropriation would enable the engineer corps not only to locate the route of such road, but to begin construction thereof by building bridle trails on the final grades so established, thereby opening at once all parts of said national park to travel on horseback, and greatly increasing the safety and utility of the park, until such time as said trails may be widened into the proposed permanent road; therefore

Resolved, by the Senate and House of Representatives of the State of Washington, That, in view of the desirability of protecting said national park and making it fully accessible at the earliest practicable date, the Congress of the United States is respectfully requested to pass said appropriation at its present session.

Passed by the Senate February 7, 1911.

Passed by the House February 10, 1911.

SENATE JOINT MEMORIAL No. 6.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Legislature of the State of Washington, would respectfully represent:

The Bay of Port Townsend and Oak Bay in the State of Washington are now separated by a narrow strip of land from one hundred to one hundred and fifty feet in width, and by reason of this obstruction vessels going north from Puget Sound are compelled to pass around Marrowstone Point, exposed to the heavy swells direct from the ocean. We would further represent that light draft and sternwheel steamers are forbidden by the United States local inspectors from doing business between the city of Port Townsend and other cities on Puget Sound south of Marrowstone Point during the winter months. We would further represent that the removal of this obstruction would present a safe means of communication during the entire year, and also shorten the distance to be traveled by water at least thirteen miles, and that said obstruction can be removed for the sum of \$80,000.

The number of vessels and tonnage entering from and clearing for foreign ports for the fiscal year ending June 30, 1910, was 5,097, with the total tonnage of 3,816,010. There is no record of vessels in the coastwise trade, as they are not required to enter or clear, but a conservative estimate would place it as nearly double the foreign tonnage, in addition to what we term the local fleet of Puget Sound.

Many of the foreign and coastwise vessels would use the canal if constructed, but its importance for protection of the local Sound fleet and the lumber industry is still greater; the facts concerning which are as follows: Seven vessels of the local fleet ply between the upper Sound points to Port Townsend and to points by way of Port Townsend. The number of trips made by these vessels annually in both directions were 3,848 with a total tonnage of 2,323,968. During eight months ending August 31, 1910, they carried

73,233 tons of freight for local points. The average for the year would therefore be in excess of 105,000 tons. If the canal was constructed every one of these vessels would make use of this passage.

There is an annual towage from the Straits direct to upper Sound mills of 75,000,000 to 100,000,000 feet of logs, all of which would make use of this canal. It is not an unusual sight to see six or seven tugs with tows of logs from Port Townsend Bay awaiting favorable opportunity to round Marrowstone Point. During time of storm the weather conditions off Marrowstone Point and opposite the entrance to Port Townsend Bay are as bad as can be found outside of Point Wilson, which the government designated as open ocean.

The protection which this canal would afford to the smaller vessels of Puget Sound and to the lumber industries would, in itself, be sufficient to warrant the expenditure of the money necessary for its excavation and completion.

In the interests of the industries at the head of Port Townsend Bay, such as the Western Steel Corporation plant at Irondale; the plant of the Classon Chemical Company at Hadlock, and the Washington Mill Company interests at the same place, this canal is even more necessary; for the constantly increasing business at these points demands a constantly increasing traffic by water, which traffic is handicapped at present not only by bad weather conditions to be found off Marrowstone Point, but by additional distance of over twelve miles which must be traveled in order to reach these industries.

With this canal completed, traffic between Seattle and other points on Puget Sound and the various points on Port Townsend Bay would be augmented in that it would be open to smaller vessels than those which are now required, owing to the necessity of passing at times through exceedingly rough and dangerous weather off Marrowstone Point.

We, your petitioners, would therefore respectfully re-

quest that an appropriation of said sum of \$80,000 be made for the purposes herein stated, and as in duty bound your petitioners will ever pray.

Passed by the Senate February 28, 1911.

Passed by the House March 4, 1911.

SENATE JOINT MEMORIAL No. 8.

WHEREAS, In certain countries discrimination is made against American citizens on account of race or creed, and passports furnished to such citizens are refused recognition and effect,

Now, therefore, be it resolved by the Senate, the House concurring, That the President of the United States be and he is hereby requested to use every effort to have American citizens respected abroad without regard to race or creed; and

Be it further resolved, That we do hereby endorse and call upon Congress to pass the resolution now pending therein looking to the universal recognition of American passports so that no discrimination will be made against passports carried by American citizens, no matter what the race or creed of the holder.

Passed by the Senate March 2, 1911.

Passed by the House March 2, 1911.

HOUSE JOINT MEMORIAL No. 2.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, respectfully petition, that,

WHEREAS, During the year ending June 30th, 1910, government statistics show that more than one million aliens landed in the United States, of which number more than six hundred thousand came from southern and eastern Europe and western Asia, the most undesirable immigrants known, and

WHEREAS, The effect of this alien deluge is to depress the wages and destroy the employment of thousands of American workingmen, therefore be it

Resolved by the House and Senate of the State of Washington, That the Congress of the United States be requested to pass such restrictive legislation as will put a stop to this enormous influx of the most undesirable foreigners whose presence tends to destroy American standards of living, and

Be it further resolved, That a copy of this resolution be forthwith transmitted to each senator and congressman from the State of Washington for their use in endeavoring to secure the passage of such restrictive legislation.

Passed by the House January 19, 1911.

Passed by the Senate January 24, 1911.

HOUSE JOINT MEMORIAL No. 4.

To the President of the United States of America, the Senate and House of Representatives of the United States, the Secretary of the Interior, Secretary of Agriculture, and the Senators and Representatives in Congress from the State of Washington:

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled (twelfth regular session) most respectfully represent and pray as follows, to-wit:

WHEREAS, The President in creating and setting aside public land for forest reserve, in the so-called Mt. Rainier and Columbia forest reserve in the State of Washington, included therein almost four-fifths of the area of Skamania county, thereby depriving said county of the settlers which it otherwise would have; of its legitimate income from taxes; which is crippling said county financially; and

WHEREAS, A great deal of land in said reserve, tributary to the railway and towns in said county of Skamania, is suitable and valuable for grazing and agricultural purposes; and

WHEREAS, The timber on said land is mature, and should be cut and removed, in order to give the land to the public for settlement.

THEREFORE, We earnestly and respectfully petition the President of the United States, to withdraw by proclamation and open for settlement under the public land laws of the United States in said Mt. Rainier and Columbia forest reserve the following described lands, to-wit:

Townships Nos. three (3), four (4), five (5), and six (6) north of ranges Nos. five (5), six (6), seven (7), eight (8) and nine (9) east of the Willamette meridian, in Skamania county, Washington, and further that the Secretary of the Interior shall cause said tract of land when so withdrawn from said reserve by the President, to

be surveyed as early as possible, and your memorialists will forever pray.

Passed by the House January 26, 1911.

Passed by the Senate February 9, 1911.

HOUSE JOINT MEMORIAL No. 5.

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, State Road No. 5 has been located in the State of Washington, which road, when completed will afford communication from Willapa harbor, on the Pacific ocean, through the city of Chehalis, in Lewis county, and the city of North Yakima, in Yakima county, to the city of Spokane, in the eastern portion of said state; and

WHEREAS, In Yakima county said road has been completed to the east line of the forest reserve, and a large portion of said road has been built in Pacific and Lewis counties west of said reserve; and

WHEREAS, Said road as laid out and constructed passes through the Rainier forest reserve as follows:

Beginning on the east boundary of the Rainier forest reserve on the west boundary of township 12 north, range 7 east, Willamette meridian, Washington, near the bank of the Cowlitz river and running thence up the Cowlitz river and its tributaries to the Carleton pass in the summit of the Cascade mountains; thence down Bumping river and the Natches river to the east boundary of township 16 north, range 14 east, Willamette meridian, Washington; and

WHEREAS, State Road No. 7 has been located in the State of Washington, which road, when completed, will afford communication from the city of Seattle to the city of Spokane, and pass through North Bend, Snoqualmie Pass, Easton, Ellensburg, Wenatchee, Waterville and Wilbur, and which road will also extend to the Idaho state line

where it intersects the north bank of the Spokane river; and

WHEREAS, Said State Road No. 7 as laid out and constructed passes through the Snoqualmie forest reserve and the Wenatchee forest reserve; and

WHEREAS, A considerable portion of said State Road No. 7 has been completed in Kittitas county; and

WHEREAS, Said State Roads Nos. 5 and 7 so passing through said reserves will be of great benefit and convenience in the inspection and preservation of the forests, and will also relieve the government from the expense of constructing roads or trails through those portions of said reserves occupied by said state roads;

THEREFORE, Your memorialists, the members of the Twelfth Legislative session assembled of the State of Washington, hereby most respectfully urge that said state roads be constructed through said forest reserves at the expense of the government of the United States.

And your memorialists will ever pray.

Passed by the House January 25, 1911.

Passed by the Senate February 3, 1911.

HOUSE JOINT MEMORIAL No. 6.

To the Honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would respectfully pray for the speedy passage of such legislation as will permit of the determination by the courts of the rights and claims of the locators of coal and other lands in Alaska, to the end that either those claims, if fraudulent, be cancelled and the land restored to the public domain to be entered and developed by other people under the laws of Congress; or that patents issue thereto, in case no fraud appears, so that the locators may themselves open the mines.

Further, Your memorialists pray for the immediate passage by Congress of some act permitting the leasing of coal land in Alaska under such terms as will invite the investment of the large capital necessary to open those mines and to construct transportation lines to them; and which at the same time will protect the country against any possible monopolization and the people of Alaska against any extortion in the charge made for coal.

Further, Your memorialists pray that on the passage of such an act and as part thereof, provision be made for the immediate opening to entry under its terms of all of the coal and other lands in Alaska, now withheld from the possibility of utilization by executive order.

Passed by the House January 16, 1911.

Passed by the Senate January 25, 1911.

HOUSE JOINT MEMORIAL No. 7.

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

Your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, being the twelfth regular session, respectfully represent in petition as follows:

There are over 300,000 acres of arid land in Benton, Yakima and Klickitat counties in the State of Washington, lying in the valley of the Columbia river, and commonly known as the "Horse Heaven" district, which are capable of irrigation. About three-fourths of this land is now held in private ownership and the remainder has been filed upon under the desert land acts.

The entrymen who have filed on this land under the desert act have done their assessment work and made their annual proofs in good faith, and confidently believe that they could make reclamation and final proof within the

limit of time provided by the U. S. Statutes and extension enactments amendatory thereto, but the work of bringing water from the mountains, distant one hundred and fifty miles, has proven so great that it is now apparent that more time will be required than is now given by law.

Much of this vast district of 300,000 acres or more is valueless without irrigation, and it is now definitely known that irrigation is possible therefor at a reasonable cost. It has often been announced through press reports that the Reclamation Department of the U. S. Government will pursue a policy of encouragement to private capital in reclaiming arid lands. Most of the projects with water supply comparatively near have already been undertaken, and those in which the water supply is remote cannot be financed and canals built within the period given to desert entrymen for making final proof.

WHEREFORE, Your memorialists respectfully petition the Congress of the United States to enact a law which shall extend the time in which the desert land entrymen of the "Horse Heaven" district may make final proof—until such time as water may become available to them through an irrigation project now under way for this district.

Passed by the House January 25, 1911.

Passed by the Senate February 14, 1911.

HOUSE JOINT MEMORIAL No. 9.

To the President of the United States of America, and to the Honorable Secretary of the Navy:

We, your memorialists, the Senate and House of Representatives of the State of Washington, assembled in twelfth regular session of the legislature, most respectfully represent as follows:

That of the battleships and cruisers constituting the chief effective element of the American navy, available or capable of being made available for immediate service, less than one-sixth are stationed in the waters of the Pacific Coast.

That we most earnestly protest against this unequal distribution of the national defensive strength, and respectfully urge that the claims of the western seaboard to a more adequate naval armament be accorded the recognition which our circumstances demand.

And thus your memorialists will ever pray.

Passed by the House January 30, 1911.

Passed by the Senate February 3, 1911.

HOUSE JOINT MEMORIAL No. 10.

*To the Honorable Senate and House of Representatives
of the United States of America in Congress As-
sembled:*

We, your memorialists, the Senate and House of Representatives of the State of Washington, feeling grateful for the services rendered our country by our soldiers and sailors bravely and heroically risking their lives in the defense and preservation of this country, and realizing that those who took part in the war with Mexico and in the Civil war are reaching that time in life when they should especially receive our tender solicitude and care.

We, therefore, urge upon you the passage of what is known as Senate bill 9476, providing for a pension of not less than fifty dollars per month to any soldier or sailor of the Mexican war or the Civil war, who is now or may hereafter become totally blind, or some such similar bill to Senate bill 9476, granting such relief, and

We would further urge that the proposed act be amended so that "totally blind" should be defined as including "blindness depriving a person of any practical usefulness of his eyes, and beyond any aid or optical assistance."

Be it resolved, A copy of this resolution be forthwith transmitted to the Secretary of the Senate of the United States and to the Clerk of the House of Representatives of the United States, and a copy to Senator Penrose of the Senate of the United States, and a copy each to sena-

tors and representatives in Congress of the State of Washington.

Passed by the House January 24, 1911.

Passed by the Senate January 30, 1911.

HOUSE JOINT MEMORIAL No. 14.

To the Honorable Senators of the United States in Congress Assembled:

We, your memorialists, the Legislature of the State of Washington, in regular session assembled, believing that the time has come for the showing of every consideration to the old soldiers of the Mexican and Civil war, and

Believing that the bill that recently passed the House of Representatives of the United States Congress and known as the Sulloway bill, providing for a flat pension for all soldiers over sixty-two years of age of \$15 per month, and those over sixty-five years of age of \$20 per month and those over seventy years of age of \$25 per month and those over seventy-five years of age of \$36 a month, comes more nearly adjusting the inequalities in the various pensions heretofore allowed and more adequately and more justly shows a due appreciation for the gallant services rendered in times of need to our surviving soldiers and sailors of the Mexican and Civil war;

Therefore, We most respectfully urge that the said Sulloway bill be immediately enacted into law and thus we, your memorialists, will ever pray.

Passed by the House February 6, 1911.

Passed by the Senate February 7, 1911.

HOUSE JOINT MEMORIAL No. 15.

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

Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, would most respectfully represent:

WHEREAS, Congressional action with reference to the revision of the tariff seems more or less probable; and

WHEREAS, Contemplated Congressional action with reference to the tariff involves and concerns certain industries of the Pacific Coast and the State of Washington; and

WHEREAS, The continued prosperity and well-being of the State of Washington is to a large extent involved by the contemplated tariff revision;

Now, therefore, Your memorialists, in the name of the people of the State of Washington, and speaking in behalf of the state and the entire Pacific slope, earnestly and respectfully petition and urge that no Congressional action be taken with reference to the revision of the tariff without careful consideration of the industries of the western portion of the United States, and particularly of the northwestern portion.

Your memorialists further urgently and earnestly petition and urge that the interests so vital to the welfare of the State of Washington and the Pacific Northwest are entitled to the same full consideration and thorough review by a non-partisan, unbiased tariff board as are all other industries of the nation, and for that reason and in that behalf your memorialists urge Congressional action accordingly, and that no action be taken without such consideration and review.

Passed by the House February 6, 1911.

Passed by the Senate February 8, 1911.

AUTHENTICATION.

OFFICE OF THE SECRETARY OF STATE,
STATE OF WASHINGTON.

I, I. M. HOWELL, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the foregoing published laws, resolutions and memorials, passed by the Legislature of the State of Washington, at its twelfth biennial session, from January 9th to March 9th, inclusive, in 1911, with the original enrolled laws, resolutions and memorials now on file in this office, and find the same to be full, true and correct copies of said originals with the exception of such corrections in orthography and use of words as indicated by the use of brackets, thus [], in each case, as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Done at Olympia, this 3rd day of May, A. D. 1911.

I. M. HOWELL,
Secretary of State.

[SEAL]

INDEX TO MEMORIALS AND RESOLUTIONS.

	<i>No.</i>	<i>Page</i>
Alaska, urging coal lands opened.....H. J. M.	6	669
American citizens abroad, protection of urged.....S. J. M.	8	665
Bellingham Armory, investigations of.....H. J. R.	3	657
Canal between Port Townsend and Oak Bay urged.....S. J. M.	6	663
Constitution of United States, amendment relative to income tax.S. J. R.	1	653
Fishing laws, conference with Oregon.....S. J. R.	4	653
Fishing, protesting government control of.....H. J. R.	2	656
Fort Walla Walla, site of, grant to Whitman College urged....S. J. M.	2	658
Horse Heaven, desert land entrymen in, time urged for.....H. J. M.	7	670
Income tax, amending United States Constitution, relative to..S. J. R.	1	653
Immigrants, restriction on urged.....H. J. M.	2	666
Irrigation Code ordered printed.....H. C. R.	17	658
Mt. Rainier, urging appropriation for roads around.....S. J. M.	5	661
Native material to be used in public building.....S. J. R.	10	655
Pacific fleet urged.....H. J. M.	9	671
Pensions, increase of, urged.....H. J. M.	10	672
Sulloway bill endorsed.....H. J. M.	14	673
Secretary of Interior, appeals from, relative to.....S. J. M.	4	661
Skamania county, lands in, urged thrown open to settlement...H. J. M.	4	667
State roads No. 5 and No. 7, urged built by United States....H. J. M.	5	668
Tariff revision, memorial against.....H. J. M.	15	674
Wenatchee bridge, recommending purchase of.....S. J. R.	5	654
Whitman College, grant of Fort Walla Walla site to, urged....S. J. M.	2	658

GENERAL INDEX.

	Ch.	Sec.	Page
ACTION, LIMITATIONS OF:			
Provision extending	74	28	373
ACTIONS—(see also WORKMEN'S COMPENSATION):			
Affecting common carriers, continued.....	117	111	611
Appeals from port district assessments.....	92	10	425
Appeals from proceedings establishing public waterways.....	23	58	87
Assessments paid by mistake, to recover.....	98	65	479
Bailments, failure of warehouseman to deliver.....	91	23	407
Change of venue in—prejudice of judge.....	121	2	617
Cities may bring to foreclose assessments.....	98	34	463
Collection of public service penalties.....	117	98	607
Counties rights-of-way, authority to take.....	54	8	307
County commissioners, claim of.....	66	1	337
Corporation, criminal actions against, how tried.....	29	2	107
Eminent domain, exercise of, by state, county, etc.....	64	1	335
Forcible entry and detainer, how commenced.....	26	1	95
Garnishments—			
affidavit of merit, required.....	126	2	637
commencement of	126	3	637
form of writ.....	126	4	638
judgment in	126	5	639
writ of, justice may issue.....	126	1	637
Joint owner may bring for assessments paid.....	98	62	478
Judge disqualified in, when.....	121	1	617
Juvenile courts, hearings in.....	56	3	311
Limitation of, on special assessments.....	98	41	468
Prosecuting attorney to bring, when.....	75	1	375
Public Service—			
appeals from commission.....	117	87	597
companies liable for actual damages.....	117	102	608
law not to change right of action.....	117	104	609
mandamus or injunction, to compel.....	117	93	605
overcharge, evidence of.....	117	91	600
Real property, title to, how quieted.....	83	1	383
Right of, for injuries to workman, abrogated.....	74	30	373
Special assessments, preference rights of.....	98	22	453
Waterways—			
Commercial Waterways—			
appeals, time of taking, to Supreme Court.....	11	20	31
guardian <i>ad litem</i> appointed in proceedings, when.....	11	23	32
injunction, courts to enforce act by.....	11	48	44
petition to appropriate lands.....	11	11	24
commencement of	11	13	25
hearing on	11	14	27
supplemental proceedings	11	31	38
Port Districts—			
appeals from assessments in.....	92	10	425
Public Waterways—			
appeals, general, right of.....	23	58	87
condemnation proceedings	23	12	69
appeals from	23	23	74
guardian <i>ad litem</i> to appear.....	23	21	73
injunction to enforce.....	23	66	90
judgment in, how entered.....	23	19	72
mandamus to enforce provision relating to.....	23	66	90

ACTIONS.

ACTIONS—CONTINUED :

<i>Workman's Compensation—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
default, assessments	74	8	362
department to approve compromise, when.....	74	3	348
employer liable in, for wilful injuries.....	74	6	361
injuries against delinquent employer.....	74	8	362
law, when, if act is void.....	74	28	372
medical examination	74	25	371
misrepresentation of pay roll.....	74	16	366
pending, saved	74	32	374
review decision of department.....	74	20	368
state may sue for injuries to workman.....	74	3	348
right of, repealed.....	74	30	373
venue in county where workman resides.....	74	5	361

ADJUTANT GENERAL:

Appropriation for office of.....	61	1	331
Indian war veterans, claims to pass upon.....	127	3	640

AGRICULTURE:

Estrays, sale of.....	34	1-9414	117
Fruit—(see Horticulture)	112	....	....
inspection of	112	1	514
inspectors, transfer of.....	112	3	515
Grain, inspection of—(see GRAIN AND HAY; WAREHOUSES)	91	....	....
Grain Inspector—			
chief, appointment of.....	91	3	399
deputies, appointment of.....	91	4	399
Grain Sacks—			
penitentiary to make.....	132	2	645
price of, how fixed.....	132	4	646
Hay, inspection of—(see GRAIN AND HAY; WAREHOUSES).	91	....	....
Horticulture Commissioner, office of.....	112	1	513
Horticultural—			
conventions, to be held.....	112	2	513
inspection in counties.....	112	5	141
Horticulture Fund—			
created	112	4	515
transfer of funds to.....	43	2	141
Orchards to be inspected.....	112	2	514
Stallions and Jacks, registry of.....	99	1	483
Stock, running at large—(see ANIMALS).....	25	1	93
Weeds—			
abutting property owner to destroy in roads.....	60	1-3038	327
destruction by landowner.....	60	1-3038	327
failure to destroy, penalty.....	60	1-3039	328
notice of landowner to destroy.....	60	1-3040	328
road supervisor to destroy, when.....	60	1-3040	328
cost charge to landowner.....	60	1-3041	329

ALASKA:

Coal lands urged opened.....	H. J. M.	6	669
------------------------------	----------	---	-----

ALASKA-YUKON-PACIFIC EXPOSITION:

Appropriation to pay interest on warrants of.....	44	152
---	----	------	-----

ALIENS:

Firearms, license for required.....	52	1	303
Immigration of, restrictions on urged.....	H. J. M.	2	666

AMENDMENTS, CONSTITUTIONAL:

Initiative and referendum.....	42	1	136
Recall of officers.....	108	1	504
Succession in county offices, removal.....	22	1	63

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES :

(The following sections are affected as indicated) :

Section—		Ch.	Sec.	Page
61.	Legal holidays—Columbus day.....	see	81	1 390
64.	Holidays, falling on Sunday, next day to be.....	see	9	1 9
89.	Jurors, females may be.....	see	57	2 314
91.	Grand, females may be.....	see	57	2 314
92.	Petit, females may be.....	see	57	2 314
94.	Competency of.....	superseded	57	1 314
	(Same).....	repealed	57	9 318
98.	Exemptions.....	see	57	2 314
	(Same).....	repealed	57	9 318
99.	Excused when.....	superseded	57	7 317
	(Same).....	repealed	57	9 318
101.	List of.....	superseded	57	3 314
102.	Jury term, when held.....	superseded	57	4 315
	(Same).....	repealed	57	9 318
103.	Juries, how drawn.....	superseded	57	4 315
	(Same).....	repealed	57	9 318
104.	Grand jury, how drawn.....	superseded	57	5 316
	(Same).....	repealed	57	9 318
109.	Jurors, additional, venire.....	superseded	57	6 316
	(Same).....	repealed	57	9 318
116.	Prosecuting attorneys, duties.....	amended	75	1 375
123.	Attorneys, admission of.....	amended	48	1 158
124.	Board to examine.....	amended	48	2 158
125.	Oath of.....	amended	48	3 159
209.	Judge, disqualification, change of venue.....	see	121	1 617
210.	Change of venue.....	see	121	1 617
346.	Jury, custody of.....	superseded	57	8 317
	(Same).....	repealed	57	9 318
568.	Exemptions from execution.....	see	24	3 92
785.	Real property, quieting title to.....	amended	83	1 383
814.	Forcible entry and detainer, service in.....	amended	266	1 95
891.	Eminent domain, by state.....	amended	64	1 335
1133.	Liens, materialman's.....	amended	77	1 376
1318.	Foreign wills, good.....	see	8	1 9
1320.	Requisite of foreign wills.....	see	8	1 9
1823.	Garnishments, writs of, who may issue.....	amended	126	1 637
1824.	Application for.....	amended	126	2 637
1825.	Service of.....	amended	126	3 637
1826.	Form of writ.....	amended	126	4 638
1834.	Judgment of.....	amended	126	5 639
1989.	Juvenile courts, judge of.....	amended	56	1 310
1993.	Probation officers.....	amended	56	2 310
1997.	Hearings in.....	amended	56	3 311
2000.	Detention rooms.....	amended	56	4 312
2003.	Board of visitation.....	amended	56	5 313
2080.	Criminal process, how served on corporations.....	see	29	1 106
2096.	Criminal actions, against corporations.....	see	29	2 107
2189.	Fines against corporations.....	see	29	3 107
2445.	Minors, places prohibited from entering.....	amended	133	1 649
2504.	Explosives, unlawful keeping.....	see	65	1 336
2506.	Explosives, carrying.....	see	65	1 336
2512.	Sale of milk and cream.....	amended	20	1 61
2513.	(Same).....	see	39	1 133
2514.	(Same).....	see	39	1 133
2515.	(Same).....	see	39	1 133
2517.	Carrying firearms.....	see	52	1 303
2536.	Cigarettes, possession of.....	repealed	133	2 650
2989.	Fraternal society, fraud upon.....	see	46	1 155

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES—CONTINUED :

<i>Section—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
3038. Noxious weeds	amended 60	1	327
3039. Penalty for permitting	amended 60	1	328
3040. Notice to remove	amended 60	1	328
3041. Cost of removal	amended 60	1	329
3072. Horticulture, Commissioner's office	amended 112	1	513
3080. District inspectors	amended 112	2	513
3118. Horticulture, transfer of inspectors	amended 112	3	515
3129. Horticultural fund	amended 112	4	515
3131. Horticulture tax	amended 112	5	515
3162. Stallions, certificates	see 99	...	483
3166. Stock running at large	superseded 25	1	93
(Same)	repealed 25	6	94
3167. Petition to prevent	superseded 25	2	93
(Same)	repealed 25	6	94
3168. Per cent. of petitions	repealed 25	6	94
3169. Assessor's duty	repealed 25	6	94
3170. Notice of order	superseded 25	3	94
(Same)	repealed 25	6	94
3171. Penalty	superseded 25	4	94
(Same)	repealed 25	6	94
3172. Fence defined	repealed 25	6	94
3173. Swine at large	superseded 25	5	94
3346. Corporation, foreign, may loan money	amended 105	1	499
3698. Bonds of	amended 80	1	379
3715 a Delinquent	amended 41	1	135
3715 b Reinstatement	amended 41	2	135
3733. Fraternal societies	see 46	1	155
3884. County commissioners, claims of	superseded 66	1	337
(Same)	repealed 66	2	338
3885. (Same)	superseded 66	1	337
(Same)	repealed 66	2	338
3886. (Same)	superseded 66	1	337
(Same)	repealed 66	2	338
3887. (Same)	superseded 66	1	337
(Same)	repealed 66	2	338
3972. Assessors' annual convention, to be held	see 12	1	46
4137. Drainage	see 97	3	439
4137 to Drainage and waterways	see 23	...	64
4179.			
4226 to Drainage districts	see 97	...	439
4267.			
4321. University site, street over	see 94	1	428
4416. School districts of first class, insurance fund	see 79	1	378
4509. Directors, school, powers of	see 79	2	378
4512. Schools, expenditures	see 79	2	378
4513. Schools, districts, first class, tax levy	see 79	2	378
4557 a County auditor, duties of	added 78	1	377
4557 b (Same)	added 78	1	377
4557 c (Same)	added 78	1	377
4557 d (Same)	added 78	1	377
4558. County treasurer, school districts	amended 85	1	386
4558. Duties with school funds	see 79	3	378
4562. School fund, apportionment of	amended 118	1	613
4610. School bonds	amended 88	1	390
4613. Levy for	amended 88	2	391
4615. Interest payments on	amended 88	3	392
4621. Sinking fund, payments from	amended 88	4	393
4634. Certificates, registration of	amending 16	1	50

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES—CONTINUED:

<i>Section—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
4636. Successful teaching, how shown.....	amended 16	2	51
4638. Credits on certificates, from other states.....	amended 16	3	51
4644. Common school certificates.....	amended 16	4	51
4652. Temporary certificates, how issued.....	amended 16	5	54
4669. School elections	amended 107	1	503
4673. Voters in	amended 106	1	501
4678. Registration of	amended 106	2	501
4679. Registration, places of.....	amended 106	3	502
4683. transfer of	amended 106	4	502
4738. Schools, kindergartens	amended 82	1	382
4740. Cost of	amended 82	1	382
4786. Challengers at recall election.....	see 6	1.	7
4805. Primary election, application of.....	amended 110	2	491
4807. Nomination at recall election, in cities, first class...see	2	1	2
4842. Judges, nomination of.....	amended 101	1	489
4911. City election	see 31	1	110
4958. Fraudulent voting	amended 89	1	394
4959. Disqualified voting	amended 89	1	394
4960. Collusion of election officers.....	amended 89	1	394
4961. Officers influencing voter.....	amended 89	1	394
4962. Tampering with ballot.....	amended 89	1	394
4963. Bribing voter	amended 89	1	395
4967. Election officers, neglect of duty.....	amended 81	1	395
5029. State funds	see 51	1	299
5032 a Lake Washington canal.....	see 45	1	153
5042. University fund	see 69	....	340
5043 State College fund.....	see 69	....	340
5045. Normal school funds.....	see 69	....	340
5065			
to State depositaries, for proceeds of land office.....	see 51	....	300
5071.			
5187. Food fishes, taking.....	amended 104	1	496
5277. Forest supervision	superseded 125	2	623
5278. Forester, appointment of.....	superseded 125	3	624
5279. To protect forests.....	superseded 125	4	625
5280. Fire wardens, appointment of.....	superseded 125	5	627
5281. Fire notices, posting of.....	superseded 125	6	628
5282. Forest rangers, who are.....	superseded 125	7	629
5283. Slashings, right to burn.....	superseded 125	8	629
5284. Forest fires, penalties for starting.....	superseded 125	11	631
5284. Fines for, paid to county treasurer.....	superseded 125	21	636
5285. Locomotives, spark arresters required on....	superseded 125	14	633
5286. Prosecuting attorney, forest fires, duty.....	superseded 125	20	636
5326. Game wardens, powers of.....	see 90	2	396
5327. Allens, licensing to hunt.....	see 52	1	303
5330. Game preserves	see 84	1	384
5334. Deer, killing in water, or with dogs.....	superseded 90	1	396
5335. Deer on islands, taking.....	see 90	1	396
5345. Possession or sale of game.....	see 90	3	397
5360. Open season, bag limit.....	amended 90	1	395
5365. Game, sales of prohibited.....	see 90	3	397
5379. Fish, sale of prohibited.....	see 50	....	299
5384. Bass, perch, etc., closed season.....	see 50	....	299
5385. Fish, taken only by hook and line.....	see 50	....	299
5581. Road supervisor, to destroy weeds.....	see 60	1	328
5585. County roads, expenditure of funds on.....	amended 55	1	308
5603. Gravel beds and quarries for.....	see 54	9	307
5623. Establishment of	superseded 54	1	305
5623. Order creating	superseded 54	2	305
5624. Resolution	superseded 54	2	305

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES—CONTINUED :

<i>Section—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
5625. County roads—Petition to establish.....	<i>superseded</i>	54	4 306
5626. Petition, bond	<i>superseded</i>	54	5 306
5627. Survey of	<i>superseded</i>	54	3 305
(Same)	<i>superseded</i>	54	6 306
5628. Rights-of-way, waivers	<i>superseded</i>	54	5 306
5629. Engineers' report	<i>superseded</i>	54	3 305
5632. Chainmen, etc., wages.....	<i>superseded</i>	71	1 342
5635. Rights-of-way, condemnation.....	<i>superseded</i>	54	8 307
payment for	<i>superseded</i>	54	7 306
5645. Width of	<i>see</i>	54	10 307
5646. Widening of, acquiring lands for.....	<i>see</i>	54	10 307
5867. Highway commissioner, salary of.....	<i>amended</i>	47	1 157
5879. State aid roads, act relating to.....	<i>repealed</i>	35	17 128
Terms construed	<i>superseded</i>	35	1 118
5880. Resolution to improve.....	<i>superseded</i>	35	3 119
5881. Petition of abutting property owners....	<i>superseded</i>	35	2 118
5882. Investigation of	<i>superseded</i>	35	4 119
5883. Maps and plats.....	<i>superseded</i>	35	6 119
5884. Plats sent to Highway Commissioner....	<i>superseded</i>	35	7 120
5885. Adoption of plans.....	<i>superseded</i>	35	7 120
5886. Right-of-way	<i>superseded</i>	35	8 120
5887. Bids for, etc.....	<i>superseded</i>	35	9 121
5888. Apportionment of cost.....	<i>superseded</i>	35	10 122
5889. Assessments, zones of.....	<i>superseded</i>	35	10 123
5890. Order of improvement.....	<i>repealed</i>	35	17 128
5891. Highway closed, when.....	<i>superseded</i>	35	11 125
5892. Notice of completion.....	<i>superseded</i>	35	12 126
5893. Drainage	<i>superseded</i>	35	13 126
5894. Assessments, how paid.....	<i>superseded</i>	35	14 126
5895. Connecting highways	<i>repealed</i>	35	17 128
5896. Railways upon	<i>superseded</i>	35	16 127
5898. Public highway fund, levy.....	<i>amended</i>	53	1 304
5910. Rock crushing plants, management of.....	<i>amended</i>	114	1 517
5911. Superintendence of	<i>amended</i>	114	1 517
5912. Sale of products.....	<i>amended</i>	114	1 518
5914. Fund for	<i>amended</i>	114	1 519
5980. Grain inspection, act relating to.....	<i>repealed</i>	91	34 412
Railroad Commission has charge of.....	<i>superseded</i>	91	2 398
5981. Inspector appointed	<i>superseded</i>	91	3 399
5982. Deputy inspectors	<i>superseded</i>	91	4 399
5983. Bonds of inspectors, actions on.....	<i>superseded</i>	91	5 400
5984. Inspectors, qualification of.....	<i>superseded</i>	91	6 400
5985. Neglect of duty.....	<i>superseded</i>	91	7 400
5986. Places of inspection.....	<i>superseded</i>	91	8 400
5987. Employees of Railroad Commission.....	<i>superseded</i>	91	9 401
5988. Storage rates, how fixed.....	<i>superseded</i>	91	10 401
5989. Rates, fixing of, procedure.....	<i>superseded</i>	91	11 401
5990. Grades fixed	<i>superseded</i>	91	12 401
5991. Grades furnished	<i>superseded</i>	91	12 402
5992. Fees for inspection.....	<i>superseded</i>	91	13 402
5993. Inspectors, control weighing and grading.	<i>superseded</i>	91	14 403
5994. Re-inspection	<i>superseded</i>	91	14 404
5995. Appeals to chief inspector.....	<i>superseded</i>	91	14 403
5996. Side tracks provided.....	<i>superseded</i>	91	29 407
5997. Warehouses, all included.....	<i>superseded</i>	91	1 398
5998. Warehouse, license fee.....	<i>superseded</i>	91	18 405
5999. Warehouse, discrimination prohibited....	<i>superseded</i>	91	21 405
6000. Duty of warehouseman.....	<i>superseded</i>	91	22 406
6001. Warehouse delivery	<i>superseded</i>	91	23 406
6002. Warehouse, annual report.....	<i>superseded</i>	91	24 407

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES—CONTINUED:

<i>Section—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
6003. Grain inspection—Side tracks for loading	<i>superseded</i> 91	25	407
6004. Tonnage inspection	<i>superseded</i> 91	26	408
6005. Additional clerk	<i>repealed</i> 91	34	412
6006. Samples furnished	<i>superseded</i> 91	27	408
6007. Interstate shipments	<i>superseded</i> 91	17	404
6008. Car inspection	<i>superseded</i> 91	28	408
6009. Police protection to cars	<i>superseded</i> 91	30	410
6010. Penalties	<i>superseded</i> 91	31	410
6059			
to All laws relating to insurance are superseded by the In-			
6249. surance Code	49	288	298
6398. Beds of streams, use of	<i>see</i> 95	1	436
6566. Female employment	<i>superseded</i> 37	2	132
6567. Seats for	<i>see</i> 37	2	132
6568. Penalty	<i>see</i> 37	3	132
6580. (Same)	<i>superseded</i> 37	1	131
6594. Employers' liability for damages, limit	<i>repealed</i> 74	30	373
6594. Injuries to workmen	<i>superseded</i> 74	. . . .	. . . .
(Same)	<i>repealed</i> 74	30	373
6595. Workman, injury, action for damages	<i>superseded</i> 74	. . . .	. . . .
(Same)	<i>repealed</i> 74	30	373
6596. Personal injuries, workman, right of action	<i>superseded</i> 74	30	373
6641. State lands, classification	<i>amended</i> 36	1	129
6667. Sales of timber	<i>see</i> 130	1	643
6669. Timber, extension of time to remove	<i>see</i> 130	1	643
6670. time of removal	<i>see</i> 130	1	643
6675. Reservations	<i>see</i> 110	2	507
6698. Capitol Commission	<i>amended</i> 59	9	325
6700. Capital lands, sales	<i>amended</i> 59	10	326
6701. Conveyance of	<i>amended</i> 59	11	326
6702. Capitol Commission, claims, how paid	<i>amended</i> 59	12	326
6763. Shore lands, river beds granted	<i>see</i> 95	1	436
6776. Harbor areas, leasing	<i>amended</i> 86	1	388
6823. Trespass on state lands	125	5	627
6831. Rights-of-way over state lands	<i>see</i> 109	. . . .	506
6840. University land, rights-of-way over	<i>see</i> 94	1	428
6864. Lake Washington canal	<i>see</i> 10	. . . .	. . . .
Appropriation for	45	. . . .	. . . .
7177. Definition and classification of militia	<i>see</i> 102	. . . .	491
7021. Pool rooms, minors in	<i>see</i> 133	1	649
7110. Boom companies, harbor areas may be leased by	<i>see</i> 86	1	388
7177. Militia, classification of	<i>see</i> 102	1	491
7179. Composition of	<i>see</i> 102	2	492
7198. Selection of officers	<i>see</i> 102	5	492
7228. Drills	<i>see</i> 102	3	492
7372. Mine Inspector	<i>amended</i> 63	1	333
7391. Coal mines, explosives, storing of	<i>see</i> 65	1	336
7479. Cities, classification of	<i>see</i> 116	. . . .	. . . .
7485. Census to classify as to government	<i>see</i> 116	. . . .	. . . .
7493. Of first class, form of government	<i>see</i> 17	1	54
7494. Initiative, referendum, and recall in charters	<i>see</i> 17	2	54
7502. Election	<i>see</i> 32	1	110
7504. First class, charters, provisions in	<i>see</i> 17	2	54
7507. special elections, hours of	<i>see</i> 31	1	110
7507. powers of	<i>see</i> 67	1	338
7513			
to Local improvements	<i>superseded and repealed</i> 98	71	481
7516.			
7516 b Elections, hours of	<i>see</i> 32	1	110

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES—CONTINUED:

<i>Section—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
7529 Cities—			
to Local improvements.....	<i>superseded and repealed</i>	98	71 481
7578.			
Viaducts, cities may build.....	<i>amended</i>	103	1 494
7580.			
vote on	<i>amended</i>	103	2 494
7584.			
Cities of second class, commission government for..	<i>see</i>	116	....
7612.			
Powers of cities under commission government.....	<i>see</i>	116	11 528
7621			
to Cities of second class, local improvements. .	<i>sup. and rep.</i>	98	71 482
7634.			
7671.			
Cities of third class, under commission government. .	<i>see</i>	116	....
7705			
to Local improvements.....	<i>superseded and repealed</i>	98	71 482
7718.			
7721.			
Cities of fourth class, officers.....	<i>amended</i>	33	1 111
7737.			
Local improvements.....	<i>superseded and repealed</i>	98	71 482
7870.			
(Same)	<i>superseded and repealed</i>	98	71 482
7871.			
(Same)	<i>superseded and repealed</i>	98	71 482
7893			
to (Same)	<i>superseded and repealed</i>	98	71 482
7964.			
8005.			
Cities, public utilities in.....	<i>see</i>	111	1 510
8005.			
To sell surplus gas, water, etc.....	<i>see</i>	111	6 512
8006.			
Public utilities—elections	<i>see</i>	111	2 511
8007.			
bonds for	<i>see</i>	111	4 512
8018			
to Local improvements.....	<i>superseded and repealed</i>	98	71 482
8028.			
8038.			
Public indebtedness, ratification of.....	<i>see</i>	120	1 614
8039.			
election to validate.....	<i>see</i>	120	2 615
8078.			
Police pension fund, board of trustees.....	<i>amended</i>	18	1 55
8081.			
retired list	<i>amended</i>	18	2 57
8082.			
injured on duty	<i>amended</i>	18	3 58
8085.			
death payments	<i>amended</i>	18	4 58
8088.			
board meeting	<i>amended</i>	18	5 58
8090.			
sick benefits	<i>amended</i>	18	6 59
8091.			
transfer of funds.....	<i>amended</i>	18	7 59
8112.			
Wharves, cities may lease.....	<i>see</i>	67	1 338
8146.			
Waterways, bonds issued validated.....	<i>see</i>	3	1 3
8146			
to Harbor improvements, cumulative act.....		92	.... 412
8165.			
8166			
to Waterways, cumulative act.....		23	....
8212.			
See also		11	....
See also		92	....
8166			
to validating proceedings under.....		10	1 10
8212.			
(Same)		11	49 45
8308.			
Nuisance, what is.....	<i>see</i>	65	1 336
8351.			
Bureau of accountancy, public accounts.....	<i>amended</i>	30	1 108
8352.			
inspectors appointed	<i>amended</i>	30	1 108
8355.			
expenses	<i>amended</i>	30	1 109
8356.			
counties to pay.....	<i>amended</i>	30	1 109
8559.			
Grain bags, estimating cost of. .	<i>superseded and repealed</i>	132	10 648
8560.			
Jute fabrics, how sold.....	<i>superseded and repealed</i>	132	10 648

AMENDMENTS, REM.-BAL. CODE.

AMENDMENTS, REMINGTON & BALLINGER'S CODES—CONTINUED:

<i>Section—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
8561. Grain sacks, application for.....	<i>superseded and repealed</i>	132	10 648
8562. price of	<i>superseded and repealed</i>	132	10 648
8563. allotments to counties.....	<i>superseded and repealed</i>	132	10 648
8564. notice of sale of.....	<i>superseded and repealed</i>	132	10 648
8565. sale of surplus stock of.....	<i>superseded and repealed</i>	132	10 648
8566. terms of sale.....	<i>superseded and repealed</i>	132	10 648
8567. rules for sale of.....	<i>superseded and repealed</i>	132	10 648
8627			
to Railroad commission law.....	<i>superseded and repealed</i>	117	109 611
8661.			
8676. Railroad scales, testing of.....	<i>see</i>	117	19 554
8682. Frogs and switches, guarded.....	<i>superseded</i>	117	68 583
8683. damages	<i>superseded</i>	117	102 608
8684. penalty	<i>superseded</i>	117	94 606
8688. Common carrier, to remove freight promptly.....	<i>superseded</i>	117	10 547
8689. Damages, actual, liable for.....	<i>superseded</i>	117	102 608
8690. action, where brought.....	<i>superseded</i>	117	102 608
8691			
to Demurrage	<i>superseded and repealed</i>	117	109 611
8716.			
8706. Railroads, discrimination prohibited.....	<i>amended</i>	96	1 437
—but this act was repealed.....	<i>see</i>	117	109 611
8908. Soldiers' Home, who may enter.....	<i>amended</i>	124	1 621
9037. Attorney General, duties.....	<i>see</i>	125	2 624
(Same)	<i>see</i>	43	4 141
(Same)	<i>see</i>	75	1 375
(Same)	<i>see</i>	91	24 407
(Same)	<i>see</i>	117	5 540
(Same)	<i>see</i>	117	93 605
9043. Supreme court judges, number elected.....	<i>amended</i>	119	1 613
9043-1. time of taking office.....	<i>added</i>	119	2 614
9050. Superior courts, number of judges.....	<i>see</i>	40	1 134
(Same)	<i>see</i>	62	1 332
(Same)	<i>see</i>	76	1 375
(Same)	<i>see</i>	129	1 642
(Same)	<i>see</i>	131	1 644
9074. Street cars, fenders, Commission to prescribe.....	<i>see</i>	117	66 580
9085. Assessors' convention, to be held.....	<i>see</i>	12	1 46
9093. Taxation, personal property defined.....	<i>see</i>	24	1 90
9095. timber, how taxed.....	<i>superseded</i>	24	1 90
9102. Convention of assessors to be held.....	<i>see</i>	12	1 46
9152. Assessments of railroad property.....	<i>amended</i>	21	1 62
9183. Inheritance tax, rate of.....	<i>amended</i>	19	1 60
9223. Taxation, personal property, collection of.....	<i>see</i>	24	2 90
9230. lien of	<i>see</i>	24	3 92
9236. removal of personalty.....	<i>see</i>	24	4 92
9245. lien	<i>see</i>	24	3 92
9246. removal from county.....	<i>see</i>	24	4 92
9249. distraint	<i>see</i>	24	4 92
9303. Railroads, rates to telephone companies.....	<i>superseded</i>	117	18 551
9305. Telegraph and telephone, service required.....	<i>superseded</i>	117	35 562
9306. messages, order of sending.....	<i>superseded</i>	117	42 566
9317. neglect, penalty	<i>superseded</i>	117	94 606
9339½ Townships, powers of.....	<i>amended</i>	34	1 113
9368. supervisors, powers of.....	<i>amended</i>	34	1 114
9373. town clerk	<i>see</i>	34	2 117
9400. assessments in	<i>amended</i>	34	1 115
9414. poundmaster	<i>amended</i>	34	1 116
9436. payment of claims against road districts.....	<i>see</i>	13	1 47
9509. Streams, dams in for power purposes.....	<i>see</i>	95	1 436

ANIMALS.

ANIMALS :	Ch.	Sec.	Page
Appropriation for bounties on.....	44	....	152
County commissioners to fix, where stock may run.....	25	1	93
Dogs may be licensed in townships.....	34	1-9339½	114
Estrays in townships, sale of.....	34	1-9414	117
Jacks, registry of.....	99	1	483
Notice of hearing to prevent stock running at large.....	25	2	93
Notice of order prohibiting stock running at large.....	25	3	94
Penalty for permitting animals to run at large.....	25	4	94
Petition to prevent stock running at large.....	25	2	93
Shipments of—(see PUBLIC SERVICE).....	117	....	....
<i>Stallions and Jacks—</i>			
diseased, use of prohibited.....	99	1	483
pedigrees of, how proved.....	99	2	484
registry of.....	99	1	483
unsoundness of, defined.....	99	1	483
<i>licenses—</i>			
advertisements to show grades.....	99	5	486
certificates.....	99	4	484
fees for.....	99	5	486
owner to post.....	99	3	484
Swine may be driven on roads.....	25	5	94
Townships may limit running at large.....	34	1-9339½	113
Wild, appropriation to pay bounties on.....	44	....	137
APPEALS—(see ACTIONS) :			
Land cases from Sec'y of Interior, memorial relative to..S. J. M.	4	....	661
APPROPRIATIONS :			
Adjutant General's office.....	61	1	331
Bellingham Armory.....	61	1	332
Bellingham Normal, relief of.....	61	1	331
Bounties on wild animals.....	44	....	152
Bridge across Lewis river.....	81	1	380
Bubonic plague, investigations.....	61	1	330
Capitol buildings.....	59	13	327
foundations, repairing sheds over.....	61	1	330
grounds, removing old building from.....	61	1	330
Chaplain at penitentiary.....	44	....	152
Coal mine commission.....	123	8	621
Cost bills in felony cases.....	44	....	152
<i>Deficiencies—</i>			
extradition expenses.....	4	1	6
general.....	44	....	151
horticultural inspection.....	43	1	141
Eastern Washington Hospital for Insane, additional building....	61	1	331
Extradition expenses, deficiency.....	4	1	6
Florence Crittenden Home.....	44	....	152
<i>General—</i>			
Assessments on state property.....	44	....	152
Attorney General.....	44	....	143
Bank Examiner.....	44	....	147
Board of Control.....	44	....	145
Board of Equalization.....	44	....	150
Board of Health.....	44	....	146
Bureau of Inspection of Public Accounts.....	44	....	150
Capitol building and grounds.....	44	....	150
Commissioner of Public Lands.....	44	....	144
Dairy and Food Commissioner.....	44	....	146
Deficiencies.....	44	....	151
Eastern Washington Hospital for Insane.....	44	....	148
Feeble-Minded Institution.....	44	....	149
Fire Warden.....	44	....	147

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

	Ch.	Sec.	Page
<i>General—Continued:</i>			
Fish Commissioner	44	....	147
Governor's mansion	44	....	150
office	44	....	143
Grain inspection	91	33	411
Horticultural Commissioner	44	....	146
Hotel Inspector	44	....	147
Insurance Commissioner	44	....	146
Judgments	44	....	150
Labor Commissioner	44	....	145
Law Library	44	....	145
Lieutenant Governor's office.....	44	....	143
Mine Inspector	44	....	147
Miscellaneous purposes	44	....	152
Normal Schools—			
Bellingham	44	....	149
Cheney	49	....	150
Ellensburg	44	....	149
Northern Hospital for Insane.....	44	....	148
Oil Inspector	44	....	146
Penitentiary	44	....	148
Printing	44	....	151
Reformatory	44	....	149
School for Blind.....	44	....	148
School for Deaf.....	44	....	148
Secretary of State.....	44	....	143
Soldiers' Home	44	....	148
Southwest Washington Fair.....	44	....	150
State Auditor	44	....	143
State College	44	....	149
State Fair	44	....	150
State Library	44	....	145
State Treasurer	44	....	144
Superintendent of Public Instruction.....	44	....	144
Superior Courts	44	....	144
Supreme Court	44	....	143
Tax Commission	44	....	145
Training School	44	....	148
Traveling Library	44	....	145
University	44	....	149
Veterans' Home	44	....	149
Veterinarian	44	....	146
Western Washington Hospital for Insane.....	44	....	148
Geological survey	44	....	153
Grain inspection	61	1	330
Grain and hay inspection.....	91	33	411
Highways—			
bridge across Lewis river.....	81	1	380
Skagit river	128	1	641
commissioner, of expenses.....	70	1	341
Meskill stone quarry.....	73	1	343
permanent highways	35	18	128
quarries	114	1	519
re-appropriation for state roads.....	93	1	427
rock quarries	114	1	519
transfer from public highway fund to complete contracts....	35	15	127
Home for Feeble Minded, additional land for.....	122	2	618
Indexing legislative journals.....	44	....	152
Indian war veterans.....	127	1	640
Industrial insurance department.....	74	29	373
Insurance Code Commission.....	61	1	330

APPROPRIATIONS.

APPROPRIATIONS—CONTINUED:

	Ch.	Sec.	Page
<i>General—Continued:</i>			
Insurance department, additional.....	61	1	330
Interest, payments	44	....	152
Lake Washington canal.....	45	1	153
how expended	45	2	154
Legislative expenses	1	1	1
printing	5	1	6
additional	38	1	132
Local improvements on state property.....	44	....	152
Meskill stone quarries, to operate.....	73	1	343
Mt. Rainier, urging Congress to make, roads for around.....	S. J. M.	5	661
National Guard	61	1	330
deficiency	61	1	332
for adjutant general's office.....	61	1	331
payment of warrants issued on forged claims.....	61	1	332
printing, additional	61	1	332
retained pay of enlisted men.....	61	1	332
Naval militia	61	1	331
Permanent highways	35	18	128
Printing, highway commissioner.....	70	1	342
various offices	44	....	151
Public Service Commission.....	117	106	610
Publishing, constitutional amendments.....	61	1	330
Supreme Court reports.....	44	....	152
Railroad Commission	117	106	610
additional	61	1	330
grain inspection	91	33	411
Relief of—			
Anderson, Rufus	68	1	339
Bradley, Mary A. <i>et al.</i>	15	1	49
Davis & Davis.....	61	1	330
Garland, Emer	68	1	339
Garland, Warren	68	1	339
Henretty, Peter	61	1	330
Hensley, Andy	68	1	339
Hensley, Clifford	68	1	339
Hensley, Ira	68	1	339
Holman, Lee	68	1	339
Home Telephone Company.....	61	1	330
Hubbard, D.	68	1	339
Hydorn, L. W.	61	1	330
Johnson, W. Lou.....	61	1	330
Jones, E. S.....	61	1	330
Marsla, Wm.	68	1	339
Murphy, J. B.....	44	....	153
O'Leary, Edward	68	1	339
Olson, J. S.....	68	1	339
Parker, Clarence	61	1	330
Prichard, Roy	68	1	339
Searle, H. L.....	68	1	339
Shepard, C. E.....	44	....	152
Shutt, R. D.....	61	1	330
Skagit county	72	1	343
Smith, Stewart E.....	14	1	49
Thompson, Glen	68	1	339
Thompson, Harry	68	1	339
Troy, P. M.....	44	....	153
Von Eschen, Geo.	61	1	330
Waller, O. L.....	61	1	330
White Shield Home.....	44	....	152
Rock quarries for highways.....	114	1	519

AUDITOR.

APPROPRIATIONS—CONTINUED :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Skagit river, bridge across.....	128	1	641
Spanish war veterans, care for graves of.....	44	....	152
State Coal Mine Inspector.....	63	2	334
State Historical Society.....	44	....	152
State School for the Blind, to erect building for.....	58	1	318
Superior courts, additional.....	61	1	330
Temple of Justice.....	59	3	322
Topographic and hydrographic surveys.....	44	....	153
Transportation of convicts.....	44	....	152
Traveling library, assistant.....	61	1	330
Veterans' Home, to purchase additional land for.....	61	1	330
Washington State Historical Society.....	61	1	331
Workmen's compensation accident fund.....	74	29	373
administrative fund.....	74	29	373
ARATA, JAMES :			
Appropriation to pay judgment of.....	44	....	150
ASSESSMENTS—(see LOCAL IMPROVEMENTS ; TAXATION) :			
Bridges and viaducts built by local.....	103	1	494
Cities may make for local improvements—(see CITIES—Local Improvements).....	98	1	441
Commercial Waterways—			
construction of.....	11	28	35
establishing.....	11	29	36
maintenance.....	11	33	39
sinking fund.....	11	38	41
Drainage, cost of construction, engineer to make.....	97	2	439
Liens, in cities.....	98	20	452
Limit for local improvements.....	98	12	445
Permanent highways, construction of.....	35	10	123
Port districts, commissioners to levy.....	92	4	418
Public waterways, construction of.....	23	25	74
Water furnished in cities, improvement districts for.....	111	3	511
ASSESSORS—(see also COUNTY ASSESSORS) :			
Annual convention of.....	12	1	46
ASSIGNATION :			
Places of, minors not permitted in.....	133	1	649
ATTORNEY GENERAL :			
Appropriation for office of.....	44	....	143
Grants of land for forests to pass upon.....	125	2	624
Horticultural fund, to collect.....	43	4	141
Insurance department represented by.....	49	99	241
Mandamus or injunction brought by, when.....	117	93	605
Offices in Temple of Justice.....	59	1d	320
Prosecuting attorneys authorized to bring action for.....	75	1	375
Public Service Commission to represent.....	117	5	540
Warehouseman's bond, approved by.....	91	24	407
ATTORNEYS :			
Examinations—			
board to conduct.....	48	2	158
expenses of.....	48	1	157
notice of.....	48	1	158
when held.....	48	1	158
Oath of.....	48	3	159
Period of study required.....	48	1	158
AUDITOR :			
County—(see COUNTY AUDITOR).			
State—(see STATE AUDITOR).			

AUTOMOBILE INSURANCE.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
AUTOMOBILE INSURANCE:			
Classification of—(see INSURANCE).....	49	83	217
AXMAN:			
Wages of, how fixed.....	71	1	342
BAGS:			
Jute—(see PENITENTIARY)	132	2	645
BALLINGER—(see AMENDMENTS; REMINGTON & BALLINGER'S CODES).			
BALLOTS—(see ELECTIONS).			
BANKS:			
Foreign corporations not to receive deposits.....	105	1	500
Report to be filed with State Auditor annually.....	80	1	379
Stockholder's liability	80	1	379
BEAR RIVER:			
Fishing regulations in.....	104	....	497
BELLINGHAM:			
Armory, investigation of ordered.....	H. J. R.	3	657
BELLINGHAM NORMAL SCHOOL:			
Appropriation for	44	....	150
relief of	61	1	331
Fund for support of.....	69	2	340
tax levy for.....	69	4	340
BIRDS:			
Eggs, may be taken for scientific purposes.....	84	1	384
BLACK BASS:			
Relative to taking in Silver Lake.....	50	1	299
BLIND—(see STATE SCHOOL FOR THE BLIND).			
BOARD OF CONTROL:			
Agents appointed to buy and sell jute.....	132	3	646
Appropriation for	44	....	145
Grain Sacks—			
agent appointed to sell.....	132	3	646
price of, board to fix.....	132	4	646
rules for selling.....	132	7	648
Jute products, price to be fixed by.....	132	1	645
Land for Home of Feeble-Minded, to purchase.....	122	1	618
Rules for Soldiers' Home, to establish.....	121	1	621
School for Blind, to erect building.....	58	1	318
BOARD OF FOREST COMMISSIONERS:			
Act defining duties—(see LOGS AND LOGGING).....	125	....	623
BONDING COMPANY:			
Act regulating—(see INSURANCE).....	49	....	161
BONDS:			
Capitol buildings	59	4	322
Cities, for local improvements, may issue.....	98	46	471
School, how issued.....	88	1	390
<i>Waterway—</i>			
constructed jointly with United States.....	3	1	4
validating certain	3	3	5
commercial waterway, may issue.....	11	35	40
port district, may issue.....	92	4	419
public waterway, how issued for.....	23	45	83
BOTTOMRY:			
Defined—(see INSURANCE)	49	2	164

-CHALLENGERS.

BOUNTIES—(see ANIMALS).			
BRADLEY, MARY A., ET AL.:			
Relief of	15	1	49
BRIBERY—(see also CRIMES):			
Election of officers of cities, relative to.....	116	9	527
General elections	89	1	395
BRIDGE—(see also HIGHWAYS):			
Certain cities may build, special provisions for.....	103	1	494
Commissioners shall contract for, when.....	55	1	308
BROKER:			
Definition of—(see INSURANCE).....	49	2	161
BUBONIC PLAGUE:			
Appropriation to investigate.....	61	1	330
BUILDINGS:			
Appropriation for—(see APPROPRIATIONS).			
Native materials to be used in public.....	S. J. R.	10	655
BUREAU OF INSPECTION AND SUPERVISION:			
Counties liable for cost of auditing accounts in.....	30	1-8356	109
Expenses of, how paid.....	30	1-8355	109
Examiners, salary of.....	30	1-8352	109
State Auditor to appoint additional inspectors.....	30	1	109
BURGLAR INSURANCE:			
Classification of—(see INSURANCE)	49	83	217
CANADA:			
State Forester may co-operate with.....	125.	4	625
CANALS—(see WATERWAYS).			
Counties may assist in building.....	3	1	4
Ship, between Port Townsend and Oak Bays urged.....	S. J. M.	6	663
Waterways—(see WATERWAYS):			
commercial	11	....	11
port districts	92	....	412
public	23	....	64
CANDIDATES:			
Electioneering for, penalty.....	116	8	527
Judicial, how nominated.....	101	1	489
Recall elections, challenges for.....	6	1	7
nominations for	2	1	2
CAPITOL:			
Providing for Temple of Justice—(see STATE CAPITOL).....	59	....	319
CAPITOL BUILDING AND GROUNDS:			
Appropriation for	44	....	150
CAPITOL COMMISSION:			
Act relating to—(see STATE CAPITOL).....	59	....	319
"CAPITOL PLACE":			
Property included	59	1b	319
CARIBOU:			
When may be killed—(see GAME).....	90	1	396
CHAINMEN:			
Wages of, how fixed.....	71	1	342
CHALLENGERS:			
Recall elections, rights of.....	6	1	7

CHARITABLE INSTITUTIONS.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
CHARITABLE INSTITUTIONS:			
Special rates to persons of—(see PUBLIC SERVICE).....	117	18	552
CHEHALIS & COWLITZ RAILROAD:			
Grant of right-of-way to.....	27	1	97
To build spur track to State Training School.....	27	2	97
CHENEY NORMAL SCHOOL:			
Appropriation for	44	....	150
Fund for support of.....	69	2	340
tax levy for.....	69	4	340
CHILDREN—(see COURTS, <i>Juvenile</i> ; MINORS).			
CIGARETTES:			
Minors using, penalty.....	133	1	649
CITIES:			
Appropriation for commercial waterways.....	11	9c	23
Bonds may be issued for water for irrigation.....	111	3	511
Boulevards, assessments for.....	98	58	477
Clerk to register voters for port districts.....	92	3	417
Commercial Waterway—			
appropriation for, cities may make.....	11	9c	23
may petition for.....	11	9b	22
<i>Commission Form of Government—</i>			
adoption of, election.....	116	2	522
abandonment of plan, election on.....	116	23	537
petition for	116	24	537
ballots, primary, form of.....	116	7	525
bribery at election, punishment.....	116	9	527
candidates, names published.....	116	7	525
cities of second, third and fourth class authorized to adopt..	116	1	521
clerk, commission may appoint.....	116	12	529
commissioners—			
bond of	116	6	523
compensation of	116	14	529
election of	116	3	522
quorum of	116	10	527
may act as minor officer.....	116	12	529
may create or abolish offices.....	116	13	529
nomination of	116	7	525
regular meeting of.....	116	15	530
term of	116	3	522
vacancy in office of, how filled.....	116	5	523
contracts, officers not to be interested in.....	116	17	531
departments of	116	11	528
department of finance and accounting, vice-president to run..	116	15	530
election, abandonment of plan.....	116	23	537
election, adoption of, ballot.....	116	2	522
bribery in, penalty.....	116	9	527
clerk to publish result.....	116	7	526
general, when held.....	116	3	522
initiative and referendum on ordinances.....	116	21	535
primary, for nominating commissioners.....	116	7	523
recall of officers.....	116	20	532
voters, who are.....	116	7	527
electioneering prohibited, penalty.....	116	8	527
employees electioneering, subject to dismissal.....	116	17	531
estimates for year, revision of.....	116	19	532
finance and accounting, vice-president to run.....	116	15	530
fiscal affairs published monthly.....	116	18	532
franchises, ordinances granting, on file week before passage..	116	10	530
franchises submitted to electors.....	116	16	531
initiative, ordinances proposed by.....	116	21	534

CITIES.

CITIES—CONTINUED:

Commission Form of Government—

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
laws relative to cities of second class to control.....	116	4	522
mayor, election of.....	116	3	522
presiding officer.....	116	10	528
nominated, how.....	116	7	524
public safety, in charge of.....	116	12	528
meetings of commission, to be public.....	116	15	530
officers, accepting passes, etc., penalty.....	116	17	531
bond of.....	116	6	523
contracts, interest in, prohibited.....	116	17	531
nomination at primary.....	116	7	523
number elected.....	116	2	522
recall of, procedure.....	116	20	532
term of.....	116	3	522
ordinances, certain, to lay over one week.....	116	16	530
continued in force.....	116	4	523
initiative—petition.....	116	21	535
referendum on.....	116	22	536
time of taking effect.....	116	22	536
petition based on majority vote, to establish.....	116	2	521
proceedings, record of, to be kept.....	116	10	528
public safety department, mayor to handle.....	116	12	528
recall of officers, procedure.....	116	20	532
referendum, franchises to be submitted.....	116	16	531
petition for, on ordinances.....	116	22	536
salaries of commissioners.....	116	14	529
second class cities, laws applicable to, to govern.....	116	4	522
special privileges to officers prohibited.....	116	17	531
street improvements, ordinance establishing, how passed....	116	16	530
vice-president of commission, duties.....	116	15	530
voters, who are.....	116	7	527
Consolidating to regulate local improvement.....	98	64	476
Elections in, on fiscal matters, polls open, when.....	31	1	110
Election to ratify indebtedness.....	120	2	614
vote necessary.....	120	2	614
<i>Eminent Domain—</i>			
conduits and transmission lines by.....	111	7	512
general provisions.....	98	4	441
parkways acquired by.....	98	57	476
water systems acquired by.....	98	5	442
<i>First Class—</i>			
assessments, city treasurer to collect.....	98	24	456
limit of.....	98	12	445
bridges and viaducts, authorized.....	103	1	494
canvassing of votes in.....	32	1	110
charter provisions govern.....	32	2	110
charters of, validated.....	17	3	54
elections, recall, nominations for.....	2	1	1
form of government, selected by.....	17	1	54
initiative, charter may provide for.....	17	2	54
milk or cream, sale of licensed.....	20	1	61
officers of, how nominated.....	101	2	491
police relief and pension fund—			
death payment to widow, or dependents.....	18	4	58
disability pay.....	18	3	58
election of trustees.....	18	1	56
funds, transfer of surplus.....	18	7	59
payments from, how made.....	18	5	59
treasurer to keep.....	18	5	59
payments from, how made.....	18	5	58
retirement, condition and pay.....	18	2	57

CITIES.

CITIES—CONTINUED:

First Class—

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
police relief and pension fund—			
sick relief	18	6	59
trustees of	18	1	55
monthly meetings	18	5	58
primary law not applicable to, when	101	2	491
recall elections, nomination for	2	1	1
certificate of	2	1	2
officers in, may provide for	17	2	54
referendum, charter may provide for	17	2	54
treasurer, police pension fund, kept by	18	5	59
viaduct, local improvement district, how created	103	2	494
right to build	103	1	494
wharves, may let	67	1	388

Fourth Class—

commission form of government for—(see above, <i>Commission Form of Government</i>)	116	....	521
mayor to appoint certain officers in	33	1	111
primary elections not applicable to	101	2	491
Gas, water, etc., may be sold	111	6	512
Government, commission form for second, third and fourth class	116	1	521
Indebtedness may be ratified	120	1	614
election on	120	2	614
vote necessary	120	2	614
Injunction authorized to prevent tax sale	98	23	456
Irrigation, assessment district created for	111	3	511
may contract for	111	1	510
purchase water for	111	2	511

Local Improvement—

actions, limitations of	98	41	468
what may be brought	98	23	455
appeals from assessments	98	22	453
bond required	98	22	454
preference rights of	98	22	454
transcript, notice of filing	98	22	454
application of act	98	67	480
assessments, action to foreclose, how brought	98	34	463
area plan, in each zone	98	13	446
bond payments, how made	98	49	473
boulevards and parkways	98	58	477
certificates of sale for nonpayment	98	27	458
engineering expenses included	98	55	475
interest on	98	24	456
joint owner, lien of, for payment	98	62	478
liens of	98	20	452
limit of	98	12	445
method of making and collecting, city to determine	98	2	442
mistakes in collecting, liability of treasurer	98	29	459
new, to be made, when	98	21	453
notice of	98	50	473
paid by mistake, action to recover	98	65	479
payments in full may be made	98	50	473
record of payment	98	30	460
redemption of property sold for	98	33	461
roll, hearings on, notice of, modifications	98	21	452
property omitted from, assessment of	98	37	466
sales of property to collect	98	25	457
subsequent, how enforced	98	35	465
use of	98	28	459
validated	98	61	478
valuation, how fixed	98	12	445

CITIES.

CITIES—CONTINUED :

Local Improvement—

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
assessments, void, or deficient, reassessments authorized....	98	42	468
zones of	98	13	446
authority to make.....	98	1	441
auxiliary water systems by.....	98	5	442
resolution to improve by.....	98	18	451
bonds for, may be issued.....	98	46	471
assessments for, when paid.....	98	49	473
holder of, may collect assessments.....	98	51	474
how issued	98	47	472
limited to assessments, notice of on bond.....	98	52	474
payments on, call for.....	98	54	475
refund or exchange of, authorized.....	98	53	475
sale of	98	48	472
boulevards may be by.....	98	57	476
assessments for	98	58	477
bridges built by.....	103	1	494
certificates of delinquency, fees for.....	98	38	466
general taxes to include assessment.....	98	40	467
interest, negotiability	98	36	465
consolidated cities, procedure by.....	98	64	479
construction of	98	69	480
contracts, all work to be by.....	98	59	477
council defined	98	68	480
action of, conclusive.....	98	19	451
determination final	98	23	455
modification of assessment roll by.....	98	21	452
order improvements by.....	98	6	442
deeds to property sold for assessments, how issued.....	98	33	461
delinquent assessments, how collected.....	98	25	457
diagram of improvement not conclusive.....	98	11	445
dikes, authorized by.....	98	4	441
resolution to improve by.....	98	17	450
districts, designation of, divisions.....	98	13	446
may be extended.....	98	14	448
drainage, may be by.....	98	3	441
eminent domain for waterways.....	98	4	441
engineering, etc., included in cost of.....	98	55	475
fire protection established by.....	98	5	442
foreclosure of assessments, judgment of.....	98	34	464
general ordinance relating to	98	60	477
hearing on	98	10	444
improvement district, limit of.....	98	13	446
injunction to prevent tax sale.....	98	23	456
joint owner, action for, assessments paid.....	98	62	478
liens, cities may purchase at general tax sales to protect...	98	63	479
mayor includes presiding officer.....	98	68	480
officer to collect.....	98	24	456
ordinance to authorize.....	98	8	443
ordinance relating to, general.....	98	60	471
vote required on.....	98	66	479
parkways built by.....	98	57	476
acquisition of	98	56	476
assessments for	98	58	477
petition for	98	9	443
who may	98	9	443
presiding officer defined.....	98	68	480
procedure	98	7	443
proceedings continued	98	70	480
property bid in by city held in trust.....	98	31	460
omitted from assessment roll, how assessed.....	98	37	466

CITIES.

CITIES—CONTINUED :

<i>Local Improvement—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
property, sale of, authorized.....	98	32	460
zones of, rate of assessment on.....	98	13	446
reassessments, authorized.....	98	42	468
ordinance for.....	98	43	469
procedure.....	98	44	471
time within which must be made.....	98	45	471
redemption fund.....	98	28	459
of property sold for assessments.....	98	33	461
resolution to improve.....	98	10	444
publication of.....	98	10	444
required.....	98	8	443
sales, to city, custodian of certificates.....	98	27	459
property bid in by city.....	98	32	460
notice of.....	98	32	461
purchaser has lien.....	98	39	467
saving clause.....	98	70	480
sewerage, etc., included.....	98	3	441
street intersections included in district.....	98	55	475
streets turned over to park commissioner.....	98	57	476
tax deeds, fees for.....	98	38	466
issuance of, notice to owner.....	98	33	462
tax sales—			
cities may bid in.....	98	63	479
delinquent assessments.....	98	25	457
lien of purchaser.....	98	39	467
notice of.....	98	25	457
return of.....	98	26	458
tide land leases included.....	98	56	476
treasurer, liability of.....	98	29	459
trunk sewers, assessments for.....	98	15	449
resolution to improve by.....	98	16	449
valuations, how fixed.....	98	12	446
viaducts built by.....	103	1	494
district fixed by council.....	103	1	494
hearings on petition or resolution.....	103	1	494
water mains, assessments for.....	98	15	449
resolution to improve by.....	98	16	449
water systems, built by.....	98	3	441
auxiliary authorized by.....	98	18	451
waterways authorized by.....	98	4	441
what work may be done by.....	98	6	442
work to be done by, city to determine.....	98	2	442
contract for.....	98	59	477
May join in commercial waterway district.....	11	9b	22
Parkways, assessments for.....	98	58	477
Port district to be named after.....	92	2	414
Primary elections not applicable to certain.....	101	2	491
Public commodities may sell surplus.....	111	6	512
conduits and transmission lines for.....	111	7	512
Public waterways, controlled by, when.....	23	63	89
Recall elections, challengers at.....	6	1	7
<i>Second Class—</i>			
government for—(see above, <i>Commission Form of Government</i>).....	116	...	521
Streets not included in commercial waterways district.....	11	9f	23
Street railways, operating property assessed as personal.....	21	1	62
<i>Third Class—</i>			
government for—(see above, <i>Commission Form of Govern-</i> <i>ment</i>).....	116	....	521
Transmission lines may build.....	111	7	512

COMMON CARRIERS.

CITIES—CONTINUED :

Third Class—

	Ch.	Sec.	Page
Water—			
irrigation, council to fix rentals of.....	111	5	512
election—bond issue	111	2	511
local improvements for, authorized.....	111	4	512
to supply	111	3	511
surplus may be sold.....	111	6	512

CITIZENS :

Passports to be good in all countries.....	S. J. M.	8	665
--	----------	---	-----

CLARKE COUNTY :

Aid in constructing bridge across Lewis river.....	81	2	381
Judicial district, to constitute one.....	129	2	642

COAL :

Alaska lands urged opened.....	H. J. M.	6	669
--------------------------------	----------	---	-----

COAL MINES—(see MINES) :

Commission to investigate.....	123	1	619
Powder, storage place for.....	65	1	336
State Inspector, deputies authorized.....	63	1	333

COLUMBIA RIVER :

Conference with Oregon relative to fishing on.....	S. J. R.	4	653
Fishing on—(see FOOD FISHES)	104	1	498

COLUMBUS DAY :

Created	87	1	390
---------------	----	---	-----

COLVILLE RIVER :

Fishing regulation in	104	1	498
-----------------------------	-----	---	-----

COMMERCIAL WATERWAYS :

Act governing—(see WATERWAYS)	23	64
-------------------------------------	----	------	----

COMMISSION :

Public service—(see PUBLIC SERVICE)	117	538
---	-----	------	-----

COMMISSION FORM OF GOVERNMENT :

Act relating to—(see CITIES).....	116	521
-----------------------------------	-----	------	-----

COMMISSIONERS OF PUBLIC LANDS :

Appropriation for office of.....	44	....	144
Commercial waterways, may petition for.....	11	9c	22
Depository for—			
board of finance to select.....	57	2	300
bond of, to be filed with State Treasurer.....	51	3	300
moneys paid out on order of Commissioner.....	51	3	300
quarterly report from.....	51	5	301
transfer of funds to.....	51	7	302
verification of report.....	51	6	301
Funds to be deposited daily.....	51	1	299

COMMON CARRIERS—(see also RAILROADS) :

Act to regulate—(see PUBLIC SERVICE).....	117	....	538
Actions affecting continued.....	117	111	611
Definition of, in Public Service Commission Law.....	117	8	543
Employees of, may be carried free.....	117	18	552
Facilities to be furnished.....	117	9	546
False billing prohibited.....	117	23	556
Government, state, county, etc., may have special rates.....	117	18	553
Holder of easement over state land, to be.....	109	3	507
Interstate rates of, to be filed.....	117	17	551
Logging roads to be.....	109	5	509
Long and short haul, rates permitted in.....	117	22	555
Passes, who may use.....	117	18	552

COMMON CARRIERS.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
COMMON CARRIERS—CONTINUED:			
Port districts, to fix charges of, in.....	92	4	419
Rates to be reasonable.....	117	9	546
Regulations of, to be reasonable.....	117	9	547
Schedule of rates to be kept posted.....	117	14	548
Special rates prohibited.....	117	18	551
Unjust discrimination prohibited.....	117	20	555
Unreasonable preference unlawful.....	117	21	555
CONDEMNATION—(see EMINENT DOMAIN).			
CONSTITUTION:			
Amendments—			
appropriation to publish.....	61	1	33
proposed, relative to succession in county offices.....	22	1	63
recall of officers, proposed.....	108	1	504
relative to initiative and referendum.....	42	1	136
CONTRIBUTARY NEGLIGENCE:			
Abolition of, for workmen—(see WORKMEN'S COMPEN- SATION)	74	....	345
CONVICTS:			
To work on state quarries.....	114	1	517
CORPORATIONS:			
Act to regulate public service—(see PUBLIC SERVICE).....	117	....	538
Bonds of, relating to issue of.....	80	1	379
Criminal actions against, how commenced.....	29	1	106
judgment, how entered.....	29	3	107
trial of	29	2	107
Definition of, in Public Service Commission Law.....	117	8	542
Foreign—			
may loan money here.....	105	1	499
not to receive deposits.....	105	1	500
Insurance corporations—(see INSURANCE).....	49	....	161
Liability of stockholders.....	80	1	379
Reinstatement to wind up business	41	1	135
fee required	41	2	135
Trust companies, how formed.....	105	1	499
Violations of Public Service Law, penalty.....	117	96	607
COST BILLS:			
Appropriations for	44	....	151
felony cases	44	....	152
COUNTIES:			
Bonds to aid in public improvement.....	3	1	3
Commercial waterways districts, funds to build.....	11	9d	23
join in construction.....	11	9a	22
Cost of auditing accounts in, how paid.....	30	1-8356	109
Expenses of creating port district, paid by.....	92	3	415
Horticultural inspectors may be appointed by.....	112	5	515
Indebtedness may be ratified.....	120	1	614
election on	120	2	614
Lands of, assessed for public waterway.....	23	57	87
Pend Oreille, created.....	28	1	98
Port districts created by.....	92	1	412
Public Improvement—			
aid to state or nation in.....	3	1	3
assistance, may give to	3	2	4
bonds for	3	1	4
election	3	1	4
Public waterways, made party in proceedings to establish.....	23	56	87
Validating bonds issued for certain improvements.....	3	3	5
Waterways, counties of the first class may join in.....	3	1	3

COUNTY COMMISSIONERS.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
COUNTY ASSESSOR :			
Annual convention to be held.....	12	1	46
Assessments for permanent highways, to make.....	35	10	122
Townships—			
assessors of, to meet with.....	34	1	116
property lists of, to make.....	34	1	115
COUNTY ATTORNEY—(see PROSECUTING ATTORNEYS).			
COUNTY AUDITOR :			
Commercial Waterways—			
assessments, notice of, filed with.....	11	28	35
assessment rolls extended by.....	11	28	35
petition for, by.....	11	9a	22
maintenance tax certified to.....	11	33	39
Port Districts—			
signatures checked by.....	92	2	413
Public Waterways—			
contractor to file bond with.....	23	52	85
notice of petition filed with.....	23	3	66
hearing on petition, to give.....	23	5	67
Report to county superintendent yearly.....	78	1	377
School warrants, duty to register, etc.....	78	1	377
Township supplies furnished by.....	34	3	117
Warrants for road right-of-way, to draw.....	54	7	307
COUNTY CLERK :			
Commercial Waterways—			
costs of proceeding collected by.....	11	29	36
transcript of proceeding filed with auditor.....	11	28	34
Jury drawn by, when.....	57	4	315
"Juvenile Record," kept by.....	56	2	310
Public waterway districts, assessment roll certified by.....	23	35	79
State Forester to file appointment of wardens and rangers....	125	4	620
COUNTY COMMISSIONERS :			
Additional probation officers may be authorized by.....	56	2	311
Bridges, costs on, exceeding \$500, by contract.....	55	1	308
Compensation for extra services, court to pass upon.....	66	1	337
Commercial Waterways—			
appropriation funds for, when.....	11	9d	23
Commercial Waterways District—			
canvas vote to establish.....	11	5	17
petition to establish, hearing on.....	11	3	13
County Roads—			
engineer to examine proposed, on order of.....	54	6	306
funds for, how spent.....	55	1	308
may acquire gravel pits and quarries for.....	54	9	307
laid out by.....	54	1	305
petition for establishing, to pass upon.....	54	5	306
resolution to establish.....	54	2	305
right-of-way, payment for.....	54	7	307
Drainage—			
cost of construction, to assess.....	97	2	439
private lands may be entered, to construct.....	35	13	126
Forest wardens appointed on request of.....	125	5	627
offices to be furnished for.....	125	5	627
Permanent Highways—			
bids let for.....	35	9	121
resolution calling for.....	35	3	119
right-of-way, may acquire.....	35	8	120
Port districts created by.....	92	2	412

COUNTY COMMISSIONERS.

COUNTY COMMISSIONERS—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Public Waterways—			
acceptance of work on.....	23	53	86
constructed by	23	52	85
damages awarded for property taken, paid into court.....	23	23	73
officers of district.....	23	7	68
order establishing district.....	23	6	68
to condemn land, entered by.....	23	10	69
petition to establish, hearing on.....	23	5	67
plan of, presented to.....	23	1	64
Schools, to levy tax for insurance fund in.....	79	2	378
Stock running at large, to fix limits.....	25	1	93
Townships—			
road tax levied for.....	13	2	48
Wages of chainmen, etc., fixed by.....	71	1	342
Waterways districts, created by.....	11	3	14
COUNTY ENGINEERS :			
Permanent highways, construction of, to supervise.....	35	5	119
Proposed roads, to pass upon.....	54	3	305
COUNTY OFFICERS :			
Constitutional amendment relative to terms of.....	22	1	63
COUNTY SHERIFF :			
Collection of personal property tax by.....	24	2	91
COUNTY SUPERINTENDENT :			
Teachers' certificates, may refuse to register.....	16	1	50
COUNTY TREASURER :			
Commercial Waterways—			
bonds to be called by.....	11	39	41
interest payments by.....	11	40	42
registry kept by.....	11	41	42
warrants of, called by.....	11	35	40
endorsements on, by.....	11	42	42
Fines from forest fires, violations paid to.....	125	21	636
Liability of, relative to city assessments.....	98	29	459
Local improvement assessments in cities, to collect.....	98	24	456
Notice of personal property tax to be given by.....	24	2	90
Personal property tax collected by.....	24	2	90
Port Districts—			
assessments in, collected by.....	92	4	418
payments made by.....	92	5	44
treasurer of	92	4	419
Public Waterway District—			
assessments in, to collect.....	23	36	80
payments, special notes made of certain.....	23	38	81
Public Waterways—			
assessments, notice of to be given.....	23	36	80
record of payment kept.....	23	40	82
report to commissioners of.....	23	44	82
interest payments made by.....	23	49	84
judgment to pay assessment, to accept.....	23	59	88
warrants of, to issue, call for.....	23	55	87
Remit amounts assessed for horticultural inspection.....	43	3	141
Report to county superintendent yearly.....	85	1	386
Report to districts monthly.....	85	1	387
Schools—			
Auditor to report on, to.....	78	1	377
bonds of, call for, to be made by.....	88	4	393
sinking fund, invested by.....	88	2	392
funds, certified quarterly, by.....	85	1	386

CREAM.

COUNTY TREASURER—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Schools—			
insurance funds of, to invest.....	79	3	378
registers, sales of, remitted to State Treasurer.....	85	1	388
treasurer of districts.....	85	1	386
School warrants, registered by.....	81	1	387
Tax, personal, collected by.....	24	2	90
Townships—			
road taxes collected by.....	13	3	48
COURTS :			
Appropriation for cost bills.....	44	....	152
deficiency	44	....	151
Attorneys, admission of.....	48	....	158
Judges, nomination of.....	101	1	489
Jurors—			
additional panel, when.....	57	6	316
excused, name replaced in box.....	57	7	317
grand, how drawn.....	57	5	316
how drawn	57	3	314
open venire, when.....	57	6	317
qualification of	57	1	314
who exempt	57	2	314
Juries kept together, when.....	57	8	317
Justice—			
garnishments, justice of peace may issue.....	126	1	637
Juvenile—			
board of visitation, appointed by.....	56	5	313
duties of	56	5	313
delinquent children, how controlled.....	56	3	312
detention rooms for children authorized.....	56	4	312
hearings may be private, when.....	56	3	311
probation officers for.....	56	2	310
records in, destroyed, when.....	56	3	311
special sessions of court in counties of over 30,000.....	56	1	310
superior court to be.....	56	1	310
Minor court judges to be decent in language.....	115	1	521
Superior—			
additional judge for Snohomish county.....	40	1	134
appropriation for additional.....	61	1	330
change of venire on statement of prejudice of judge.....	121	2	617
claims of county commissioners, to pass upon.....	66	1	337
Clarke, one district.....	129	2	642
Cowlitz, Skamania and Klickitat, one district.....	129	1	642
judge disqualified, when.....	121	1	617
nomination of	101	1	489
judge for Pacific and Wahkiakum, Governor to appoint.....	131	3	644
Skamania and Klickitat, Governor to appoint.....	131	1	642
King county to have nine judges.....	76	1	375
Lewis county, one district.....	131	1	644
Pacific and Wahkiakum, one district.....	131	2	644
Yakima county, two judges for.....	62	1	332
Supreme—			
building to be erected for.....	59	1	319
judges of, number to be elected.....	119	1	613
nomination of	101	1	489
term of, when filling vacancy.....	119	2	614
COWLITZ COUNTY :			
Aid in constructing bridge across Lewis river.....	81	2	381
Judicial district with Skamania and Klickitat.....	129	1	642
CREAM—(see MILK) :			
Sale of, license required in cities of first class.....	20	1	61

CREDIT INSURANCE.

CREDIT INSURANCE:	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Classification of—(see INSURANCE)	49	83	217
CRIMES:			
Aliens carrying firearms without license.....	52	1	303
Billiard halls, admitting minors to.....	133	1	649
Bribery of voter.....	89	1	394
Campfires, leaving	125	11	636
Corporations—			
actions against, procedure.....	29	1	106
insurance companies—(see INSURANCE: Penalties).			
violating public service law.....	117	96	607
Electioneering for candidates under commission plan.....	116	8	527
Employer charging workman for industrial insurance.....	74	4	352
refusing examination of books, penalty.....	74	15	366
Failure to have powder magazines at coal mines.....	65	1	336
Fires, starting in forests.....	125	11	632
Food fishes, violations relative to taking.....	104	1	499
Forest fires, refusal to aid in suppressing.....	125	9	631
warnings, removal of	125	11	631
Fraud in selling milk, penalty.....	39	1	133
Gambling hall, admitting minor to.....	133	1	649
Game laws, violation of.....	90	6	397
Game, taking from preserves in Pierce county.....	84	1	384
Grain or Hay—			
conduct of officer in inspection.....	91	7	400
violating provisions relating to transit or storage.....	91	31	410
Influencing voter	116	9	527
Illegal voting	81	1	394
Insurance, in reference to—(see INSURANCE: Penalties).			
Intoxicating liquors, admitting minors to place of sale.....	133	1	649
Locomotives, no spark arresters on.....	125	14	634
Logging locomotives, failure to patrol.....	125	18	635
Minors using tobacco.....	133	1	649
Misconduct of election officers.....	89	1	394
Misrepresentation as to secret society.....	46	1	155
Officers accepting special privileges.....	116	17	531
neglecting duty, guilty of.....	30	1	108
Opium den, admitting minors to.....	133	1	649
Pool room, admitting minors to.....	133	1	649
Prosecuting attorney, refusal to prosecute forest fire violations.....	125	20	636
Prostitution, admitting minor to place of.....	133	1	649
Public service companies, officers or employees of, violations by.....	117	95	606
Public service commission law, violation of.....	117	94	606
Railroads—			
rebating	96	1	438
scattering live coals along track.....	125	15	634
train crews, insufficient	134	4	651
Refuse burners, failure to guard.....	125	12	633
Repeating at elections.....	89	1	394
Removal of personal property without paying tax.....	24	4	92
Sale of revolver or toy pistol to minors, penalty.....	133	1	650
Selling milk in bottles without name.....	39	2	133
Shooting in certain game preserves.....	84	2	385
Slashing, burning without permit.....	125	8	630
Smoker starting forest fire.....	125	11	632
Stock running at large, penalty for.....	25	4	94
Storage of powder in residence.....	65	2	336
Tobacco, giving to minors.....	133	1	699
Toy pistols, sale of to minors, prohibited.....	133	1	650
Train crews, inadequate.....	134	4	651
Traveling on closed highway.....	35	11	125

EASTERN WASHINGTON HOSPITAL.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
CRIMES—CONTINUED:			
Violation of public service law.....	117	97	607
Working females overtime.....	37	3	132
DALTON, C. C.:			
Appropriation to pay judgment of.....	44	....	150
DAMAGES:			
Employer's liability—(see WORKMEN'S COMPENSATION)...	74	....	345
Property taken or damaged—(see EMINENT DOMAIN).			
Public service companies liable for actual.....	117	102	608
DAMS:			
Authorized to be constructed.....	95	1	436
DAVIS & DAVIS:			
Appropriation for relief of.....	61	1	330
DEER—(see GAME).			
DEFICIENCIES—(see also APPROPRIATIONS):			
General appropriation for.....	44	....	151
DEMURRAGE:			
Average plan authorized.....	96	1	438
Rules of, how fixed.....	117	85	593
DEPOSITARIES:			
State, for Land Office—			
bond of	51	3	300
moneys from land office placed in.....	51	2	300
quarterly report from.....	51	5	301
verification of	51	6	301
State Board of Finance to select.....	51	2	300
DEPOT:			
When to be kept open.....	117	85	593
DESCENT AND DISTRIBUTION:			
Foreign wills valid.....	8	1	9
DETAINER—(see FORCIBLE ENTRY AND DETAINER).			
Defined in public service commission law.....	117	8	546
DOCKS—(see also WHARVES; WAREHOUSES):			
DOGS—(see ANIMALS):			
Deer hunting prohibited by.....	90	1	396
Townships may require license for.....	34	1-9339½	114
DONKEY ENGINE:			
Watchmen for	125	17	635
DRAINAGE—(see also WATERWAYS):			
Cities authorized to construct.....	98	3	441
Districts abandoned, acts necessary.....	97	1	439
reorganization of	97	3	439
District—			
costs of construction to be assessed.....	97	2	439
reorganized procedure	97	4	440
use abandoned ditch.....	97	5	440
EASEMENTS—(see RIGHTS-OF-WAY).			
EASTERN WASHINGTON HOSPITAL FOR THE INSANE:			
Appropriation for	44	....	148
buildings for	61	1	331

EDUCATION.

EDUCATION—(see also SCHOOLS):

Apportionment of funds for.....	118	1	613
<i>Certificate—</i>			
credits from other states allowed on.....	16	3	51
first grade, requirements for.....	16	4	52
primary requirements for.....	16	4	52
life, requirements for.....	16	4	53
permanent requirements for.....	16	4	53
professional, requirements for.....	16	4	53
second grade, requirements for.....	16	4	52
superintendent, may refuse to register.....	16	1	50
temporary, how issued.....	16	5	54
rules for.....	16	5	54
third grade, requirements for.....	16	4	51
State Board of Education to fix rules for temporary certificates.....	16	5	54
State Institution of Higher—			
tax levy for.....	69	4	340
what schools included.....	69	1	340
Superintendent may refuse to register certificates.....	16	1	50
<i>Teachers—</i>			
certificates of, requirements for.....	16	4	51
evidence of successful teaching, how shown.....	16	2	51
ELECTIONS:			
<i>Ballots—</i>			
constitutional amendments, county officers.....	22	3	63
initiative and referendum, provision for.....	42	3	140
recall of officers.....	108	1	504
Bribery of voter, penalty.....	89	1	395
City, commissioners of.....	116	3	522
<i>Cities of First Class—</i>			
canvassing votes in.....	32	1	110
challengers permitted at recall.....	6	1	7
polls open when.....	31	1	110
<i>Commercial Waterways—</i>			
establishing.....	11	5	16
general election.....	11	6	18
Harbor improvements, plans to be voted on.....	92	6	422
Illegal voting, punishment.....	89	1	394
Indebtedness validated by.....	120	2	615
<i>Judges—</i>			
highest at primaries declared nominees.....	101	1	489
separate ballot for, form of.....	101	1	490
supreme court, number elected.....	119	1	613
<i>Nominations—</i>			
candidates at recall.....	2	1	1
city commissioners.....	116	7	523
judges, method of.....	101	1	489
<i>Officers of—</i>			
malfeasance of.....	89	1	39
misconduct, penalty of.....	89	1	394
<i>Port Districts—</i>			
bonds, vote necessary.....	92	4	420
commissioners, nomination.....	92	3	416
election to create.....	92	2	412
county purpose.....	92	3	415
registration for.....	92	3	417
special, how called.....	92	4	420
<i>Primary—</i>			
cities adopting commission plan.....	116	7	524
not applicable to fourth class cities, schools, etc.....	101	2	491
Recall, challengers permitted at.....	6	1	7
Repeating, penalty for.....	81	1	394

EMPLOYER AND EMPLOYEE.

ELECTIONS—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
<i>School District First Class—</i>			
election precincts to be established.....	106	3	502
registration required in.....	106	1	501
voting places in.....	107	1	503
Special in cities, polls open same as general election.....	31	1	110
Waterways, bond issues by.....	3	1	4

ELECTIONEERING :

Election officers, penalty.....	89	1	394
City employee, penalty.....	116	8	527

ELECTRICAL COMPANY :

Definition in Public Service Commission Law.....	117	8	544
--	-----	---	-----

ELECTRICITY :

Act to regulate service of—(see PUBLIC SERVICE).....	117	....	538
Cities may sell, when.....	111	6	512
Rates and regulations to be reasonable.....	117	26	558
filed with commission.....	117	27	558
Rates for, notice of to commission, of change in.....	117	28	559
Rates and regulations for, special to employees, state, etc.....	117	29	560
Unreasonable preference in service of, prohibited.....	117	30	560

ELECTRIC PLANT :

Definition in Public Service Commission Law.....	117	8	543
--	-----	---	-----

ELECTRIC RAILWAYS—(see also PUBLIC SERVICE).

ELK RIVER :

Fishing regulations on.....	104	1	497
-----------------------------	-----	---	-----

ELLENSBURG NORMAL SCHOOL :

Fund for support of.....	69	2	340
Tax levy for.....	69	4	340

EMINENT DOMAIN—(see also RIGHTS-OF-WAY) :

Cities—

general application of.....	98	4	441
parkways acquired by.....	98	57	476
transmission lines by.....	111	7	512
water systems acquired by.....	98	5	442

Commercial Waterways—

condemnation deemed sufficient when.....	11	24	32
hearing to appropriate.....	11	14	27
order of possession.....	11	25	33
right to.....	11	7	19

Counties—

county roads, rights-of-way for.....	54	8	307
to widen.....	54	10	307
gravel beds acquired by.....	54	9	307
permanent highways.....	35	8	120
ditches and drains along.....	35	13	120
Exercise of power by state procedure.....	64	1	335

Port Districts—

granted power of.....	92	4	418
-----------------------	----	---	-----

Public Waterways—

damages to land taken to be, irrespective of benefits.....	23	22	73
power of.....	23	8	68
State may exercise procedure.....	64	1	335

EMPLOYER AND EMPLOYEE—(see also LABOR) :

Act relating to—(see WORKMEN'S COMPENSATION).....	74	....	345
<i>Employees—</i>			
accommodations for.....	117	35	563
gas, etc., companies, special rates to.....	117	29	560
railroads, special rates to.....	117	18	553
violating public service law.....	117	95	607

EMPLOYER AND EMPLOYEE.

EMPLOYER AND EMPLOYEE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
<i>Female Employees—</i>			
employers violating hours of labor of, penalty.....	37	3	132
hours of labor.....	37	1	131
seats provided for.....	37	2	132
ENGINES—(see LOCOMOTIVES):			
Locomotive, equipment necessary.....	117	66	579
Spark arresters to be on.....	125	14	633
ESTRAYS:			
Act relating to—(see ANIMALS).....	25	....	93
Townships may regulate.....	34	....	114
EXEMPTIONS:			
Compensation for injuries to workmen, included.....	74	10	364
EXPLOSIVES:			
Dwelling houses, amount of allowed in.....	65	2	336
Storage at coal mines, regulations for.....	65	1	336
EXPRESS:			
Deliveries, limits of, how fixed.....	117	85	595
EXPRESS COMPANY:			
Definition of in Public Service Commission Law.....	117	8	543
EXTRADITION:			
Appropriation for deficiencies in.....	4	1	6
FACTORIES:			
Act relating to—(see WORKMEN'S COMPENSATION).....	74	....	345
FACTORY INSPECTION:			
Appropriation for.....	44	....	145
Certain provisions repealed.....	74	30	374
FEEBLE MINDED—(see HOME FOR FEEBLE MINDED).			
FEES:			
Commercial waterways, fees as in civil cases.....	11	46	43
Corporations, reinstatement.....	41	2	135
Grain and hay inspection.....	91	17	404
Insurance—(see INSURANCE).			
Poundmasters, townships.....	34	1	116
Public waterways, as in civil cases.....	23	65	90
Scales tested, grain and hay.....	91	29	410
Stallions and jacks, registration.....	99	5	486
transfer of license.....	99	5	487
Warehouse inspection.....	91	18	405
FEMALES:			
Exempt from jury duty, how.....	57	2	314
Hours of labor of.....	37	1	131
Seats provided for, in places of employment.....	37	2	132
FERRIES:			
Port districts may acquire and operate.....	92	4	418
FIDELITY AND SURETY INSURANCE:			
Act regulating—(see INSURANCE).....	49	....	161
FIRE ARMS:			
Allens, license to carry.....	52	1	305
Shooting in game preserves in Pierce county, penalty.....	84	2	385
FIRE INSURANCE:			
Act regulating—(see INSURANCE).....	49	....	161

FORESTS.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
FIRE WARDENS :			
Act defining duties—(see LOGS AND LOGGING).....	125	....	623
FISH—(see also GAME) :			
Food fishes, regulations for taking.....	104	1	496
Government control over, denied.....	H. J. R.	2	656
Streams stocked with, fishing prohibited in.....	90	4	397
FISHTRAPS :			
Amendments affecting	104	1	496
Deemed personal property for taxation.....	24	1	90
FLAGMAN :			
Surveying, wages of.....	71	1	342
FLORENCE CRITENDEN HOMES :			
Appropriation for	44	....	152
FOOD FISHES :			
Columbia river and tributaries, season for taking.....	104	1	498
Grays Harbor and tributaries, season for taking in.....	104	1	497
Licenses for taking, number not to be increased where.....	104	1	498
Resolution to confer with Oregon.....	S. J. R.	4	653
Taking on with hook and line, where.....	104	1	498
Willapa Harbor and tributaries, season for taking in.....	104	1	497
FORCIBLE ENTRY AND DETAINER :			
Notice to vacate, how served.....	26	1	95
FOREIGNERS—(see ALIENS) :			
Immigration of, restrictions on urged.....	H. J. M.	2	666
FOREST COMMISSIONERS :			
Duties of—(see LOGS AND LOGGING).....	125	....	623
FOREST FIRES :			
Act to control—(see LOGS AND LOGGING).....	125	....	623
FOREST RANGERS :			
Relating to appointment and duties of—(see LOGS AND LOGGING)	125	....	623
FOREST RESERVES :			
Lands in Skamania county asked to be thrown open.....	H. J. M.	4	667
FORESTS—(see also LOGS AND LOGGING) :			
Appropriation for protection of	44	....	147
Board of Forest Commissioners to supervise.....	125	2	623
<i>Commissioners—</i>			
accounts to be audited by.....	125	2	624
appointment of (see Sec. 5276, Rem. & Bal.)			
lands granted, to take charge of.....	125	2	623
rules to prevent forest fires, to make.....	125	2	623
state forester appointed by.....	125	2	624
supervise forest	125	2	623
wardens and rangers, appointment of, to be approved by... ..	125	5	627
Fires, men employed to extinguish.....	125	9	630
Game laws suspended in, when.....	125	10	631
Information concerning, publication of.....	125	4	626
Lands granted to, part of.....	125	2	624
Locomotives, live coals from, prohibited.....	125	15	634
spark arresters to be used on.....	125	14	633
Maps of to be prepared.....	125	4	624
Mills to protect refuse burners in.....	125	13	632
Patrol of locomotives required in.....	125	18	635
Rangers for, appointment of.....	125	7	629
Reforestation, lands examined for.....	125	5	627
Warnings to be posted in.....	125	6	628

FRATERNAL BENEFICIARY SOCIETIES.

FRATERNAL BENEFICIARY SOCIETIES :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Organization of—(see INSURANCE)	49	217	282
FRAUD :			
Misrepresentation as to secret society	46	1	155
FRUIT :			
Act relating to inspection of (see HORTICULTURE)	112	....	514
GAMBLING :			
Minors prohibited from places of	133	1	649
GAME :			
Appropriation for counties	44	....	152
deputy game warden	44	....	147
Birds may be taken for scientific purposes	84	1	385
protection of new stock liberated	90	5	397
Caribou, season for	90	1	396
Deer—			
male only may be taken	90	1	396
season for taking	90	1	396
taking with dogs prohibited	90	1	396
Dogs prohibited in hunting deer	90	1	396
Evidence of unlawful taking, what is	90	2	396
Fish, streams stocked with limit on fishing in	90	4	397
Laws relating to, suspended by Governor when	125	10	631
Mountain goat, season for	90	1	396
Period for taking black bass or perch in Silver Lake	50	1	299
Preserve created in Pierce county	84	1	384
Sale of prohibited	90	3	397
Season for deer, etc.	90	1	396
Seizure of, by wardens	90	2	396
Wardens to search premises for	90	2	396
GARNISHMENT :			
Affidavit of merit	126	2	637
Default of garnishee	126	5	639
Form of writ	126	4	633
Judgment in	126	5	639
Service of	126	3	637
Writs of, justice of peace may issue	126	1	637
when served	126	3	638
GAS :			
Act to regulate service of—(see PUBLIC SERVICE)	117	....	538
Cities may sell, when	111	6	512
Rates, charges in filed with Public Service Commission	117	27	558
charges in, notice of, to commission	117	28	559
Service and regulations concerning to be reasonable	117	26	558
Special rates prohibited, exceptions	117	29	560
Unreasonable preference in service of, prohibited	117	30	569
GAS COMPANY :			
Definition of in Public Service Commission Law	117	8	543
GAS PLANT :			
Definition of in Public Service Commission Law	117	8	543
GEOLOGY :			
Appropriation for survey	44	....	153
GOVERNOR :			
Appointment and removal of Public Service Commission by	117	2	538
Appropriation for office of	44	....	143
for mansion of	44	....	150
Coal Mine Commission, to appoint	123	2	619
Game Laws suspended by, when	125	10	631

GRAIN SACKS.

GOVERNOR—CONTINUED:	Ch.	Sec.	Page
Grant right-of-way over Training School lands.....	27	1	97
Proclamation on constitutional amendment on initiative and referendum	42	4	140
recall amendment	108	4	506
relative to succession in county offices	22	4	63
Superior judge for Cowlitz, etc., to appoint.....	131	1	642
King county for, to appoint.....	76	2	375
Pacific and Wahkiakum counties for, to appoint.....	131	2	644
Yakima county, to appoint.....	62	2	332
Workmens' compensation, commission appointed by.....	74	21	369
 GRAIN AND HAY:			
Act relating to inspection of—(see WAREHOUSES).....	91	...	398
Appropriation for inspection.....	91	33	411
Cars to be inspected.....	91	28	408
Deputy inspectors, appointment of.....	91	4	399
Discrimination in storage rates, prohibited.....	91	21	405
Examination of stored, right of.....	91	20	405
Grades of grain, how fixed.....	91	12	401
regrading	91	16	404
Grain bags, state to sell—(see PENITENTIARY).....	132	1	645
Inspected on demand, when.....	91	26	408
Inspection—			
certificates of	91	14	405
chief cities of.....	91	8	400
fees for, commission to fix.....	91	13	402
Inspection Fee—			
method of fixing.....	91	11	401
Inspection—			
points	91	1	398
railroad commission to have charge of.....	91	2	398
Inspectors—			
appointment of	91	3	399
bond of	91	5	400
complaints against, hearing on.....	91	15	404
employee of railroad commission.....	91	9	401
misconduct of	91	7	400
qualification of	91	6	400
record to be kept by.....	91	14	403
Landing place, railroad to provide.....	91	25	407
Railroads to guard.....	91	30	410
Reinspected, fee	91	17	404
Samples to be sent dealers, etc.....	91	27	408
Side tracks, railroad to provide.....	91	29	409
Violations of act, penalties.....	91	31	410
Warehouse—			
annual report to be made by.....	91	24	407
license fee	91	18	405
rates of to be posted.....	91	19	405
receipts to be issued for.....	91	22	406
Warehouseman to deliver on demand.....	91	23	406
 GRAIN INSPECTION:			
Act providing for—(see GRAIN AND HAY)	91	...	398
Appropriation for	61	1	330
 GRAIN SACKS—(see also PENITENTIARY):			
Agents appointed to sell.....	132	3	646
Application for, who may make.....	132	5	647
Apportioned to counties.....	132	4	646
Jute to be purchased for.....	132	1	645
Payments for, how made.....	132	6	647
Price of, board to fix.....	132	4	646

GRAIN SACKS.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
GRAIN SACKS—CONTINUED:			
Rules for selling, Board of Control to make.....	132	7	648
Sold for cash.....	132	2	645
direct to farmers.....	132	2	645
GRAND JURY:			
Qualification and drawing—(see COURTS; JURORS).....	57	....	314
GRANTED LANDS:			
Classification of—(see STATE LANDS).....	36	1	130
GRAVEL BEDS:			
Acquired for road purposes.....	54	9	307
GRAYS HARBOR:			
Fishing regulations on.....	104	1	497
HARBOR AREAS—(see also STATE LANDS; WATERWAYS):			
Defined.....	36	1	130
Leased for booming purposes.....	86	1	388
HARBOR IMPROVEMENTS—(see also WATERWAYS):			
Port districts, may make.....	92	4	418
HARBORS—(see also WATERWAYS):			
Counties may join U. S. in.....	3	1	3
HAY:			
Inspection of, (see GRAIN AND HAY).....	91	....	398
HEIRS:			
Actions to quiet title against.....	83	1	383
HENRETTY, PETER:			
Appropriation for relief of.....	61	1	330
HIGHWAY COMMISSIONER:			
Permanent highways, approval of.....	35	4	119
Salary of.....	47	1	157
HIGHWAYS:			
Appropriations for—			
bridge across Lewis River.....	81	1	380
Skagit River.....	128	1	641
expenses of Highway Commissioner's office.....	70	1	341
Meskill quarry.....	73	1	343
permanent highways.....	35	18	128
quarries.....	114	1	519
Bridges, county, work on to be done by contract, when.....	55	1	308
Bridges and viaducts, cities may build.....	103	1	494
Commercial Waterways—			
improvements in, payments for.....	11	9d	23
not a part of.....	11	9f	23
<i>County—</i>			
axmen, etc., wages of.....	71	1	342
commissioners to order.....	54	1	305
engineer to examine proposed.....	54	3	305
Graveled beds, purchased for.....	54	9	307
improvements exceeding \$2,500 to be by contract.....	55	1	308
petition for.....	54	4	306
bond accompanying.....	54	5	306
engineer to examine route.....	54	6	306
resolution to establish.....	54	2	305
right-of-way may be condemned.....	54	8	307
payments for.....	54	7	307
petitioners to secure, when.....	54	5	306
State Training School, right-of-way over lands of.....	27	2	97
wages of chainmen, etc.....	71	1	342
stone quarries, purchased for.....	54	8	307
width, land may be condemned for.....	54	10	307

HIGHWAYS.

HIGHWAYS—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Mt. Rainier, urging appropriation for roads around.....	S. J. M.	5	661
Noxious Weeds—			
Abutting owner to destroy.....	60	1-3038	327
penalty for abutting owner to let grow.....	60	1-3039	328
road supervisor to destroy, when.....	60	1-3040	328
Payment of claims for after township organization.....	13	1	47
Permanent—			
abutting property, assessments of, how made.....	35	10	123
appropriation for	35	18	128
appropriation of lands for.....	35	8	120
assessments for, how collected.....	35	10	124
bids called for construction of.....	35	9	121
closing during construction.....	35	11	125
contract must be for mile or more.....	35	9	122
contractor to give bond.....	35	9	121
county commissioners may recommend.....	35	3	119
definition of	35	1	118
drainage of, powers of commissioners.....	35	13	126
engineers to supervise, commissioners to select.....	35	5	119
grade not to exceed five per cent.....	35	1	118
maintenance of	35	12	126
payments, amounts approved.....	35	9	121
permanent highway fund created.....	35	15	127
levy for	35	14	126
transferred to complete contracts.....	35	15	127
petition for	35	2	118
railroads prohibited on.....	35	16	127
re-assessments made, when.....	35	10	125
right-of-way, county may acquire.....	35	8	120
State Highway Commissioner—			
approval of plans by.....	35	7	120
expenses paid from public highway fund.....	35	4	119
plans submitted to	35	4	119
survey and estimate of cost.....	35	6	119
out of county funds, when.....	35	9	122
width of	35	1	118
Public Highway Fund—			
expenses of Commissioner, paid from.....	35	4	119
levy for	53	1	303
transfer of funds to	35	15	127
Quarries—			
convicts to be employed in.....	114	1	517
plants to be established at.....	114	1	517
rock to be sold, how.....	114	1	518
Reappropriation for state roads.....	93	1	427
Public Waterways Districts—			
awards unclaimed revert to road fund.....	23	62	89
change in road, districts to pay.....	23	9	69
surplus funds of, revert to road fund.....	23	62	89
Right-of-way to Chehalis and Cowlitz Railroad over.....	27	1	97
State—			
Meskill stone quarry, appropriation for.....	73	1	343
quarries rotary fund, created from proceeds of.....	73	2	344
superintendent for	73	3	344
State Highway Commissioner—			
salary of	47	1	157
State Roads Nos. 5 and 7 urged built by U. S.....	H. J. M.	5	668
Street dedication over University site.....	94	1	428
Street intersections of, how improved.....	98	55	475
Superintendent of quarries to be appointed.....	114	1	520

HIGHWAYS.

HIGHWAYS—CONTINUED:

<i>State—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Supervisor to destroy weeds on roads.....	60	1-3040	328
costs charged to abutting owner.....	60	1-3041	329
Tax Levy for—			
permanent highways	35	14	126
state roads	53	1	303
townships	13	2	48
Townships may expend funds for, how.....	34	1-9339 ½	114
supervisors appointed in	34	1	115
Travel on prohibited when.....	35	11	125
Viaducts, cities may build.....	103	1	493
Wenatchee bridge, resolution to purchase.....	S. J. R.	5	654
Waterways to be, when.....	23	63	89
HOLIDAYS:			
Columbus day created.....	87	1	390
Monday to be when falls on Sunday.....	9	1	9
HOME FOR FEEBLE MINDED:			
Appropriation to purchase additional land for.....	122	2	618
HOME TELEPHONE COMPANY:			
Appropriation for relief of.....	61	1	330
HORSE HEAVEN:			
Extension of time asked for desert land entrymen in.....	H. J. M.	7	670
HORTICULTURE:			
Appropriation for deficiencies.....	43	1	141
Commissioner's office	44	...	146
Counties may appoint additional inspectors.....	112	5	515
County treasurers to remit assessments to State Treasurer....	43	3	141
District inspectors, powers and duties.....	112	2	513
Fruit to be inspected by.....	112	1	514
Horticultural fund, created, uses of.....	112	4	515
transfer of funds to.....	43	2	141
Inspectors, transfer of.....	112	3	515
Office of Commissioner to be in Tacoma.....	112	1	513
Meeting of fruit growers to be held.....	112	2	513
Orchards to be inspected.....	112	1	514
State Commissioner may transfer district inspectors.....	112	3	515
HOSPITALS:			
Special rates to agents of.....	117	18	552
HOTELS:			
Appropriation for inspection of.....	44	...	147
HUMPTULIPS:			
Fishing regulations on	104	1	497
HYDORN, L. W.:			
Appropriation for relief of.....	61	1	330
HYDROGRAPHIC SURVEY:			
Appropriation for	44	...	152
IMMIGRANTS:			
Restriction of urged.....	H. J. M.	2	666
IMPROVEMENTS:			
Cities, local improvements in—(see CITIES)	98	...	441
Highways—(see HIGHWAYS: Permanent).....	35	...	118
Waterways—(see WATERWAYS).....			
INCOME TAX:			
Resolution endorsing	S. J. R.	1	653
INDEBTEDNESS:			
City or county may ratify.....	120	1	614
Port district may create.....	92	12	426

INSURANCE.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
INDIAN WAR VETERANS:			
Appropriation for pay of.....	127	1	640
Claims, presentation of.....	127	3	640
Pay, how computed.....	127	2	640
Who are	127	4	640
INDUSTRIAL INSURANCE DEPARTMENT:			
Act providing for—(see WORKMEN'S COMPENSATION)	74	....	345
Appropriation for	74	29	373
INFANTS—(see MINORS).			
INHERITANCE TAX:			
Rate of	19	1	60
INITIATIVE AND REFERENDUM:			
Cities may provide for.....	17	2	54
ordinance proposed by.....	116	21	534
Constitutional amendment proposed.....	42	1	136
INJUNCTION:			
Commercial waterways, enforcement of provision by.....	11	48	44
Public service may be regulated by.....	117	93	605
Public waterways, provisions relating to enforced by.....	23	66	90
Tax sale stopped by	98	23	456
INSURANCE:			
Accident—			
articles of incorporation, contents.....	49	85	223
capital required, qualifications.....	49	84	219
classification of	49	83	217
policies—			
blanket excepted	49	189	267
conditions	49	187	267
forms to be filed and approved.....	49	187	264
prohibitions	49	188	266
reserve requirements	49	95	236
Actuary and examiner, appointment of.....	49	6	165
Acts, repeal of.....	49	238	298
“Adjuster” defined	49	2	161
Adjusters—			
governed by act.....	49	20	177
records subject to inspection by.....	49	20	177
violations, reported by.....	49	113	248
“Admitted company” defined.....	49	2	161
Admission of companies (see ARTICLES OF INCORPORATION; ORGANIZATION)—			
deposits required	49	22	179
papers to be filed.....	49	21	178
Advertisements must show actual paid-up capital.....			
authorized figures only.....	49	42	199
place of business of company.....	49	41	199
place of business of company.....	49	43	199
“Agent” defined			
application for license, requirements.....	49	2	161
application for license, requirements.....	49	45	200
consideration charged, reported by.....	49	70	209
exchange of business.....	49	100	242
false statement on application.....	49	57	206
fiduciary capacity, to act in.....	49	46	201
fire policies to be countersigned by.....	49	106	244
governed by act.....	49	20	177
insurance must be written by.....	49	36	197
license, annual	49	44	200
transferable	49	17	176
license fee	49	17	176
company represented, paid by.....	49	45	200
unauthorized company to be paid by.....	49	17	176
life company—to make no agreement not specified in policy.....	49	180	260
rebates, not allowed by.....	49	180	260

INSURANCE.

INSURANCE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Agent, misconduct in making or publishing report.....	49	72	210
misdemeanor of, to refuse to make report to public officer..	49	55	204
over-insurance, liable for.....	49	105	243
policy fee not to be collected by.....	49	69	209
premiums returned, not to be charged in rate war to.....	49	112	247
rates and information secured from rating bureau.....	49	74	210
rating schedule must be observed by.....	49	73	209
rebates, not to be made by.....	49	33	195
records subject to inspection.....	49	20	177
unauthorized company—keep full records for.....	49	75	211
not to act for.....	49	44	200
solvency of, responsible for.....	49	76	214
Agreement, combination prohibited.....	49	32	195
“Alien” defined.....	49	2	161
Allen Company—			
assets, investment of.....	49	22	179
statement to be filed.....	49	22	179
Amended articles of incorporation.....	49	85	223
Annual meetings to be held in January or February.....	49	63	208
Annual Statements—			
agent for unatuhorized company to make.....	49	75	211
blanks, to be furnished by commissioner.....	49	14	174
conform to “Convention blank”.....	49	26	192
contents.....	49	26	192
filing fee.....	49	17	176
fraternal society.....	49	228	290
tax statement.....	49	26	192
title insurance company.....	49	202	275
Application of general laws.....	49	18	117
Application for license to be approved by company.....	49	45	200
requirements.....	49	45	200
Application for policy, false statement, misdemeanor.....	49	57	206
part of contract.....	49	31	195
Articles of Incorporation—			
amendments.....	49	85	223
fee for filing.....	49	17	176
business, to be transacted to be specified.....	49	29	194
capital stock—			
decrease of.....	49	12	173
increase of.....	49	12	173
contents.....	49	85	223
fee for filing.....	49	17	176
fraternal beneficiary society of.....	49	217	282
fraud in procuring organization.....	49	12	173
liability of incorporators, directors, etc.....	49	97	241
number of persons required to incorporate.....	49	29	194
papers to be filed.....	49	21	178
preliminary requirements.....	49	21	178
Assessment Life Insurance Companies—(see also Life Insurance Companies)—			
requirements to do business.....	49	186	264
Assets—			
amount required.....	49	22	179
consist of.....	49	23	182
life insurance companies liable for benefit of all policyholders	49	93	235
mortgage loans not to exceed 50 per cent. of value.....	49	23	182
surplus required of domestic companies.....	49	84	219
uncollected premiums on business in force not over three			
months past due.....	49	2	161
Attorney General and prosecuting attorneys to assist.....	49	99	241

INSURANCE.

INSURANCE—CONTINUED :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Attorney of company to accept service.....	49	13	173
Audit of books of companies may be ordered by commissioner...	49	7	165
Automobile insurance to be classified.....	49	83	217
Authorized business to be specified in articles.....	49	29	194
companies, list of, to be published.....	49	16	175
investments	49	23	182
Bond of State Insurance Commissioner.....	49	5	164
agent for unauthorized company.....	49	75	211
Bonding Company—(see Fidelity and Surety).			
Books and accounts to be kept as required by commissioner.....	49	7	165
“Bottomry” defined	49	2	161
Breach of warranty, when not to avoid policy.....	49	34	197
“Broker”—			
consideration charged to be reported by.....	49	70	209
definition of	49	2	161
fees collected must be mentioned in policy.....	49	69	209
governed by act.....	49	20	177
license—			
application for	49	45	200
requirements	49	45	161
fee	49	17	176
required	49	100	242
rebate prohibited	49	33	195
records subject to inspection.....	49	20	177
violations of law must be reported by.....	49	62	207
who may be	49	100	242
Burglary insurance, classification of.....	49	83	217
Business may be exchanged by agents.....	49	100	242
Capital Stock—			
advertisements to show actual paid-up.....	49	42	199
alien fire and marine insurance company.....	49	22	179
amount required	49	22	179
assets of assessment life companies.....	49	186	264
existing companies to comply with act by Jan. 1, 1914.....	49	79	216
fidelity and surety insurance company.....	49	84 (5)	219
fire insurance company.....	49	84 (1)	219
impairment of, notice by commissioner.....	49	9	182
investment to consist of.....	49	23	182
liability insurance company.....	49	84 (6)	219
life insurance company.....	49	84 (3)	219
marine insurance company.....	49	84 (2)	219
minimum amount required to be deposited.....	49	24	188
miscellaneous insurance companies.....	49	84 (7)	219
misconduct in sale of.....	49	42	204
title insurance company.....	49	84 (4)	219
Carrellation of policies.....	49	108	246
Casualty Insurance—(see Liability Insurance ; also Fidelity and Surety).			
Certificate of Authority—			
cancelled in case of rate war.....	49	111	247
in case of rebating.....	49	33	195
commissioner to be satisfied as to condition of.....	49	7	165
court may review action of commissioner.....	49	8	167
deposit of securities before issuing to domestic companies..	49	24	188
fee for issuing.....	49	17	176
fraternal certificate	49	220	287
foreign fraternal society.....	49	221	287
fraternal beneficiary society.....	49	217	282
issued after commissioner is appointed attorney to accept service	49	13	173

INSURANCE.

INSURANCE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Certificate of Authority—			
revocation of	49	8	167
cause to be specified.....	49	8	167
fraternal, may be	49	234	296
notice to be given.....	49	8	167
title insurance company, expiration, renewal.....	49	203	276
Certified copies, fees to be paid commissioner.....	49	17	176
Classification of insurance.....	49	83	217
combinations, prohibited	49	32	195
“Commissioner” defined	49	2	161
“Company” defined	49	2	161
governed by act.....	49	20	177
penalty for refusing to furnish information.....	49	35	197
rebates prohibited	49	33	195
Contributions for political purposes prohibited.....	49	38	198
“Corporation” defined	49	2	161
Credit insurance, classification of.....	49	83	217
Daily reports may be inspected by commissioner.....	49	101	242
Decrease of capital.....	49	12	173
Definitions—(see also Marine Insurance)—			
“adjuster”	49	2	161
“admitted company”	49	2	161
“agent”	49	2	161
“alien”	49	2	161
“beneficiary”—fraternal	49	211	279
“bottomry”	49	2	161
“broker”	49	2	161
“commissioner”	49	2	161
“company”	49	2	161
“corporation”	49	2	161
“director”	49	2	161
“domestic”	49	2	161
“double insurance”	49	2	161
“encumbrancer”	49	205	277
“foreign”	49	2	161
“fraternal benefit society”.....	49	206	277
“insurance”	49	1	161
“insurance adjuster”	49	2	161
“insurance agent”	49	2	161
“insurance broker”	49	2	161
“insurance commissioner”	49	2	161
“insurance company”	49	2	161
“insurance corporation”	49	2	161
“insurance solicitor”	49	2	161
“insurance surveyor”	49	2	161
“insurable interest”	49	2	161
“lodge system”	49	207	277
“net assets”	49	2	161
“net value of policies”.....	49	2	161
“non-admitted company”	49	2	161
“noon”	49	106	244
“over insurance”	49	2	161
“owner”	49	205	277
“profits”	49	2	161
“re-insurance”	49	2	161
“solicitor”	49	2	161
“state insurance commissioner”.....	49	2	161
“surveyor”	49	2	161
“The Insurance Code”.....	49	238	298
“unearned premiums”	49	2	161
Demoralization of business, commissioner may cancel certificate	49	111	247

INSURANCE.

INSURANCE—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Department—			
appropriation for	44	....	146
additional	61	1	330
Deposits—			
alien companies	49	22	179
held for protection of all policyholders	49	22	179
amount of capital required	49	24	179
balance of minimum capital within one year	49	24	188
domestic companies	49	22	179
minimum capital	49	24	188
part upon organization	49	24	188
record of, to be kept by commission and state treasurer	49	24	188
state treasurer to have securities	49	24	188
title insurance company to be with	49	198	271
Deputy Commissioner, appointment of	49	6	165
Destroying property, gross misdemeanor	49	59	200
Directors, definition of	49	2	161
investments, to make written report of	49	23	182
knowledge of business, presumed to have	49	61	207
misconduct of	49	54	204
concur in vote	49	53	203
making or publishing false reports	49	55	204
misdemeanor	49	55	204
mutual company, liability of	49	10	169
violations, must dissent in writing upon minutes or held as concurring in	49	61	207
Disbursements, vouchers to be secured	49	28	194
Dividends, to be paid from earnings	49	39	198
Domestic Company—			
amendment to articles, proceedings to be approved by com- missioner	49	12	173
annual meetings in January or February	49	63	208
business specified in articles, to be only kind transacted	49	29	194
capital stock—			
increase of	49	89	232
reduction of	49	89	232
commissioner may cause audit of books	49	7	165
certificate may be revoked by	49	8	167
defined	49	2	161
deposit of assets required to be	49	22	179
examined annually	49	7	165
existing companies recognized	49	79	216
impairment, notice, etc.	49	9	169
liability of stockholders	49	82	217
liquidation of insolvent companies	49	11	170
organization of, papers to be filed	49	21	178
policies may be issued in other states	49	78	216
real estate, not to deal in	49	23	182
receivership, to pay salaries of special deputies	49	11	170
requirements as to books and accounts	49	7	165
salaries of officers must be authorized by directors	49	27	193
surplus assets, to be created	49	84	219
“Double insurance” defined	49	2	161
Duplication of names, prohibited	49	85	223
Embezzlement, agent, solicitor and broker acts in fiduciary ca- pacity	49	46	201
Evidence, persons not excused from testifying	49	60	206
Examinations—			
domestic companies to be annually	49	7	165
expenses to be paid by state	49	77	215
borne by company not paying premium tax	49	77	215

INSURANCE.

INSURANCE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Examinations—			
foreign companies, at pleasure of commissioner.....	49	7	165
fraternals	49	232	295
fraternals, expense to be borne by society.....	49	230	293
records of companies, agents, etc., may be inspected.....	49	20	177
reserve liability, fire insurance.....	49	91	233
life insurance	49	92	233
Exchange of business between agents permitted.....	49	100	242
Exemption of certain fraternal societies.....	49	235	296
Existing Companies—			
comply with capital stock requirements by Jan. 1, 1914.....	49	79	216
policy provisions by Jan. 1, 1912.....	49	80	210
fraternal benefit society rights retained.....	49	218	285
life and liability insurance may be written by.....	49	79	216
recognized	49	79	216
Expenses, limitation of 40 per cent. on mutual fire business....	49	87	231
vouchers to be secured.....	49	28	194
False entries in books, misconduct.....	49	55	204
Fees and Licenses—			
agents'	49	17	176
act for unauthorized company.....	49	17	176
broker's	49	17	176
certificate of authority, issued.....	49	17	176
foreign fraternal society.....	49	221	287
fraternal society	49	220	287
renewal of	49	17	176
copying papers, per folio.....	49	17	176
deposit of title insurance company with state treasurer.....	49	200	275
filing articles of incorporation or charter.....	49	17	176
amendments to	49	17	176
annual statement and report of Washington business....	49	17	176
miscellaneous papers	49	17	176
service of process.....	49	13	173
solicitor's	49	17	176
tax on premiums.....	49	26	192
Fidelity and Surety Insurance—			
articles of incorporation, filing.....	49	85	223
bonds, may execute.....	49	193	268
limitation of, 10 per cent. of capital and surplus.....	49	193	268
premiums on, may be taxed as costs.....	49	194	270
capital required, qualifications.....	49	84	219
classification of	49	83	217
contract, failure to discharge.....	49	196	270
liability, release from.....	49	195	270
Fire Insurance Companies—			
agents must countersign policies.....	49	106	244
articles of incorporation.....	49	85	223
capital required	49	84	219
class of business permitted.....	49	84	219
classification of	49	83	217
mutual company, qualifications and requirements of.....	49	86	226
over-insurance, insurer liable.....	49	103	242
unlawful	49	103	242
policies must designate kind of company.....	49	106	244
extension of, not over five years.....	49	103	242
riders may be used on.....	49	106	244
reserve liability	49	91	233
risk, limitation of.....	49	107	246
"Foreign" defined	49	2	161

INSURANCE.

INSURANCE—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Foreign Company—			
admission of, requirements.....	49	21	178
fraternal	49	220	287
mutual	49	88	231
attorney to accept service, commissioner to be, file written appointment of	49	13	173
Fraternal Beneficiary Societies—			
admission of, foreign society.....	49	220	287
age limit specified.....	49	212	280
annual reports	49	228	290
beneficiaries, specified	49	211	279
benefits allowed	49	210	278
not attachable	49	226	290
business, mergers and transfers of.....	49	219	286
certificate of authority of foreign society.....	49	221	287
to specify the amount of benefits.....	49	213	280
commissioner to make public no adverse finding.....	49	233	295
constitution and laws, amendments.....	49	227	290
waiver of provisions.....	49	225	290
defined	49	206	277
lodge system	49	207	277
examination by commissioner.....	49	230	293
foreign society	49	232	295
exempt from other laws.....	49	209	278
certain societies	49	235	296
life insurance laws.....	49	192	268
existing companies, rights retained.....	49	218	285
extended or paid-up insurance, may be granted.....	49	210	278
funds, creation of.....	49	214	281
distribution of	49	216	282
investment of	49	215	282
liable, officers or members not personally.....	49	224	289
license, annual	49	220	287
revocation of	49	234	296
meetings, place of.....	49	223	289
membership, qualifications for.....	49	212	280
non-compliance with law.....	49	230	293
office, location of.....	49	223	289
organization of	49	217	282
policies, valuation of, annually.....	49	228	290
no test of solvency.....	49	228	290
receiver, application for.....	49	231	295
commissioner shall be appointed.....	49	230	293
representative form of government.....	49	208	277
requirements to organize.....	49	217	282
security of, provisions to secure.....	49	229	292
supreme body, meetings of, once in four years.....	49	208	277
taxation, funds exempt from.....	49	236	298
violations, penalty for.....	49	237	298
Frauds—(see Misconduct)—			
false proof of loss.....	49	58	206
statement in making application.....	49	57	206
organization of companies.....	49	50	202
procuring same	49	51	203
stocks and bonds, issue of.....	49	52	203
violations to be reported by adjusters.....	49	113	248
General laws, application of.....	49	18	177
Health Insurance—(see Accident Insurance)—			
reserve required	49	94	235

INSURANCE.

INSURANCE—CONTINUED :

Impairment—			
capital stock, reduction of.....	49	89	232
notice and requisition.....	49	9	169
mutual company, given to.....	49	10	169
Incorporation of Companies—(see Articles of Incorporation).			
Increase of capital.....	49	84	232
Increase of capital.....	49	12	173
Industrial Insurance—(see WORKMEN'S COMPENSATION) ..	74	...	345
Insolvent companies, commissioner to liquidate.....	49	10	169
Inspection bureau may be established.....	49	101	242
"Insurable interest" defined.....	49	2	161
Insurance—			
agent or trustee.....	49	65	208
placed through authorized.....	49	36	197
applied to insured's own interest.....	49	64	208
classification of	49	83	217
company—			
business permitted by.....	49	84	219
code to govern.....	49	20	177
political contributions not allowed.....	49	38	198
records subject to inspection.....	49	20	177
defined	49	1	161
joint interest to be shown.....	49	66	208
payable to party intended.....	49	67	208
rebate, insurer liable in case of.....	49	33	195
"Insurance Adjuster" defined.....	49	2	161
"Insurance Agent" defined.....	49	2	161
"Insurance Code" defined.....	49	238	298
"Insurance Commissioner" defined.....	49	2	161
"Insurance Company" defined.....	49	2	161
"Insurance Corporation" defined.....	49	2	161
"Insurance Solicitor" defined.....	49	2	161
"Insurance Surveyor" defined.....	49	2	161
"Inter Insurers"—			
foreign company admitted on same basis as domestic.....	49	110	247
organization of, qualifications.....	49	86	226
policies must designate kind of company.....	49	106	244
Investments—			
authorized	49	23	182
directors, by	49	23	182
directors to make written report of.....	49	23	182
consist of what.....	49	23	182
prohibited—shall be disposed of within two years.....	49	23	182
securities to be deposited with state treasurer.....	49	23	182
stocks of insurance companies prohibited.....	49	22	179
Laws, compilation and printing of.....	49	16	175
repealed	49	238	298
Liability of—			
company re-insuring business.....	49	81	217
directors and incorporators of company.....	49	97	241
mutual company.....	49	10	169
insurer in case of rebate.....	49	33	195
release from, by bonding companies.....	49	195	270
stockholders	49	82	217
underwriters' policies	49	19	177
Liability Insurance Company—(see Fidelity and Surety)—			
articles of incorporation—certificate and filing.....	49	85	223
capital required, qualifications.....	49	83	217
classification of	49	83	217
company re-insuring business.....	49	81	217
reserve liability	49	95	236

INSURANCE.

INSURANCE—CONTINUED :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Liable for personal property tax when.....	24	3	92
Licenses—			
agent for unauthorized company.....	49	75	211
application for	49	45	200
approved by commissioner.....	49	45	200
extension of time of expiration.....	49	49	202
fee for agents, solicitors and brokers.....	49	17	176
fraternal benefit society of.....	49	220	287
issued to co-partners or corporation.....	49	17	176
tax on premiums.....	49	26	192
transferred	49	17	176
Lien on stock by company.....	49	40	199
Life Insurance Companies—			
agency or other special stock prohibited.....	49	180	260
articles of incorporation, contents, filing.....	49	85	223
assets, held for benefit of policyholders.....	49	93	235
requirements to do business.....	49	186	264
assessment companies, amount of assets required.....	49	186	264
valuation of policies.....	49	186	264
“board contracts” prohibited.....	49	180	260
capital requirements—qualifications	49	84	219
classification of	49	83	217
discrimination between insurants prohibited.....	49	180	260
existing companies may continue writing liability insurance.....	49	79	261
fraternals excepted	49	192	268
medical examination must be made.....	49	182	261
policy binding on company.....	49	185	263
application attached to.....	49	185	263
by whom signed.....	49	181	261
forms must be filed with and approved by commissioner..	49	183	261
terms of, conditions.....	49	184	261
requirements—when effective	49	80	216
reserve liability	49	92	233
violation by agent, penalty.....	49	191	268
company, penalty	49	191	268
Limitation of risks.....	49	107	246
Liquidation of insurance companies, commissioner to act.....	49	11	170
“Lloyds” authorized to transact business.....	49	48	202
organization of, requirements.....	49	86	226
policies, must designate kind of company.....	49	106	244
name and address of underwriter printed on.....	49	106	244
Lodge system, defined.....	49	207	277
Loss, false statement in proof of.....	49	57	206
Marine Insurance—			
articles of incorporation—contents, filing.....	49	85	223
capital required, qualifications.....	49	84	219
classification of	49	83	217
definitions—			
“abandonment”	49	151	254
“abandonment—acceptance conclusive”	49	163	256
“abandonment—acceptance irrevocable”	49	164	256
“abandonment—acceptance not necessary”.....	49	162	256
“abandonment—agent’s acts are at risk of insurer”.....	49	161	256
“abandonment—effect of”	49	159	256
“abandonment—formal waiver”	49	160	256
“abandonment—freight earned affected”.....	49	165	256
“abandonment—how notice given”.....	49	156	255
“abandonment—omission to—does not avoid claim”.....	49	167	257
“abandonment—refusal to accept liability”.....	49	166	257
“abandonment, sustainment of”.....	49	158	256
“abandonment, when defeated”.....	49	155	255

INSURANCE.

INSURANCE—CONTINUED:

Marine Insurance— definitions—

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
“abandonment, unqualified”	49	153	255
“abandonment, when may be”	49	154	255
“actual and constructive loss”	49	142	253
“actual loss, presumed”	49	145	253
“actual total loss”	49	143	253
“average loss”	49	149	254
“concealment affecting risk only”	49	124	250
“constructive total loss”	49	144	253
“contribution right exercised”	49	177	259
“damages, arrival, loss determined”	49	174	258
“deviation from course”	49	137	252
“deviation improper”	49	139	253
“deviation proper”	49	138	252
“expenses, insurer liable”	49	175	258
“freight”	49	116	248
“freight expected”	49	117	248
“general average, insurer liable”	49	176	259
“information communicated”	49	121	249
“insurable interest in profits”	49	119	249
“insurable interest in ship”	49	114	248
“insurable interest of charterer”	49	120	249
“insurance against total loss”	49	150	254
“insurance, cargo voyage broken”	49	146	253
“insured may abandon”	49	152	254
“insurer entitled to payment”	49	148	254
“interest in expected freight”	49	118	248
“interest reduced by bottomry”	49	115	248
“intentional falsity, effect”	49	125	250
“material information”	49	122	249
“neutral papers”	49	134	252
“notice of abandonment”	49	157	255
“open policy, estimating loss”	49	173	258
“partial loss, liability”	49	169	257
“partial loss of ship, insurer's liability”	49	178	259
“policies may be interpreted by other laws and usages” ..	49	179	259
“profits insured recovery”	49	170	257
“proper deviation exonerates”	49	140	253
“presumption of knowledge of loss”	49	123	250
“representation of expectation”	49	126	250
“reshipment cost”	49	147	254
“seaworthiness”	49	128	250
“seaworthiness as to insurance on cargo”	49	133	252
“seaworthiness, compliance with”	49	129	251
“seaworthiness, degrees states, voyage”	49	131	251
“seaworthiness, required constituents”	49	130	251
“seaworthiness, warranty”	49	127	250
“sailing, course determined”	49	136	252
“total, partial loss”	49	141	253
“unseaworthiness during voyage”	49	132	251
“valuation in policy, when conclusive”	49	168	257
“valuation of profits”	49	172	257
“valued policy apportionment”	49	171	257
“voyage, insured determined”	49	135	252
Medical examinations must be made	49	182	261
Meetings to be annual and held in January or February	49	63	208
Misconduct—(see Frauds)—			
of officers at corporate elections	49	53	203

INSURANCE.

INSURANCE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Mutual Insurance Companies—			
amount of insurance to be subscribed.....	49	86	226
by-laws must limit expenses, etc.....	49	87	231
cancellation of policy not to extinguish liability.....	49	108	246
classify risks and return dividends.....	49	86	226
directors' liability	49	10	169
foreign or alien company, requirements.....	49	86	231
impairment, notice to be given.....	49	10	169
issue non-assessable policies.....	49	86	226
policies, must designate kind of company.....	49	106	244
state liability of members.....	49	106	244
profits of, defined.....	49	2	161
qualifications	49	86	226
special regulations to be made part of contract.....	49	106	244
Name of company to appear on policy.....	49	19	177
corporations not to be duplicated.....	49	85	223
"Net assets" defined.....	49	2	161
"Net values of policies".....	49	2	161
"Noon" defined	49	106	244
"Non-admitted company," defined.....	49	2	161
Notes, taken for premiums, not disposed of.....	49	190	268
Organization of company—(see Articles of Incorporation)—			
fraternal benefit society.....	49	217	282
frauds in issue of stocks or bonds.....	49	52	203
organization	49	50	202
procuring organization	49	51	203
preliminary requirements, papers to be filed.....	49	21	178
title insurance company.....	49	197	271
"Over insurance," agent effecting, liable.....	49	105	243
defined	49	2	161
insurer liable	49	104	242
insurer liable	49	105	243
insured liable	49	105	243
unlawful to make.....	49	103	242
"Owner" defined	49	205	277
Payment of dividends, from earnings only.....	49	39	198
Penalties—			
advertising unauthorized figures.....	49	42	199
agent, falling to place business in solvent company.....	49	76	214
unauthorized company failing to comply.....	49	75	211
agreements and combinations.....	49	32	195
consideration for insurance, not reporting exact.....	49	72	209
destroying property insured.....	49	59	206
embezzlement by agent.....	49	46	201
false proof of loss.....(see Articles of Incorporation)—	49	58	206
statement in application for insurance.....	49	57	206
fraud in issue of stocks or bonds.....	49	52	203
organization of company.....	49	50	202
procuring	49	51	203
general	49	102	242
information, refusing to give.....	49	35	197
misconduct at corporate elections.....	49	56	205
directors	49	53	203
officers	49	54	204
officers and employed.....	49	55	204
over-insurance, agent effecting, liable.....	49	105	243
insured liable	49	105	243
insurer liable	49	105	243
political contributions, giving or taking.....	49	38	198
policy, charging fee	49	71	209
refusing to exhibit.....	49	68	209

INSURANCE.

INSURANCE—CONTINUED :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Penalties—			
publishing unauthorized statements.....	49	42	199
rebating	49	33	195
re-insuring in unadmitted alien company.....	49	98	241
title insurance company, non-compliance.....	49	201	275
violation of fraternal laws.....	49	237	298
life insurance company.....	49	191	268
agent of	49	191	268
provisions in regard to rating bureau.....	49	74	210
Place of business to be shown on advertisement.....	49	43	199
Plate glass insurance, classification of.....	49	83	217
Policies—			
accident and health, filed and approved.....	49	187	264
prohibitions regarding	49	188	266
provisions required	49	187	264
action in court not restricted.....	49	30	194
amount payable, reduced if rebate given.....	49	33	195
application for, part of contract.....	49	31	195
applied to insured's own interest.....	49	64	208
authorized agents, must be placed through.....	49	36	197
blanket, excepted from certain provisions.....	49	189	267
cancellation of, notice.....	49	108	246
company to be designated.....	49	106	244
construed according to terms.....	49	31	195
face, to be paid.....	49	105½	243
true value of.....	49	105½	243
fee forbidden	49	69	209
reported as premiums.....	49	69	209
fire—must be countersigned by agent.....	49	106	244
issued for period not longer than 5 years.....	49	103	242
forms, filed with commissioner.....	49	183	261
issued to agent or trustee.....	49	65	208
in other states according to laws thereof.....	49	78	216
inspection by commissioner.....	49	68	209
joint interest to be shown.....	49	66	208
life, application, attached if part of contract.....	49	185	263
binding on company.....	49	185	263
contract and agreement.....	49	180	260
signed to whom.....	49	181	261
terms of, conditions.....	49	184	261
name of company, must bear.....	49	19	177
notes taken for premiums not disposed of.....	49	190	268
payable to party intended to be insured.....	49	67	208
premium, charged on face, state amount of.....	49	109	247
provisions voided	49	30	194
requirements, when effective.....	49	80	216
return premiums	49	108	246
riders may be used.....	49	106	244
standard forms	49	106	244
sued on, where cause of action arises.....	49	13½	174
unauthorized company, issued through agent.....	49	75	211
underwriters' may be issued.....	49	19	177
valuation of fraternal.....	49	228	290
warranty not to avoid unless deceptive.....	49	34	197
Premiums, agent for unauthorized company to pay tax on.....	49	75	211
bonds on, may be taxed as costs.....	49	194	270
consideration charged to be reported.....	49	70	209
fees to be reported	49	69	209
notes not to be disposed of until policy delivered.....	49	190	268
policy, fire must be stated on face of.....	49	109	247
return upon cancellation of.....	49	108	246

INSURANCE.

INSURANCE—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Process—			
service upon agent.....	49	13 ½	174
fraternal	49	220	287
general	49	13	173
unauthorized company, agent for, to forward summons.....	49	75	211
served on, where agent resides.....	49	75	211
Prosecuting attorneys and Attorney General to assist.....	49	99	241
Property, destroying insured, gross misdemeanor.....	49	59	206
"Profits" defined	49	2	161
Proof of loss, false statement.....	49	57	206
Publishing unauthorized statements prohibited.....	49	32	195
Rates, agreements for controlling prohibited.....	49	32	195
Rate war, certificates and licenses may be revoked.....	49	111	249
Rating Bureau—			
business is public service in character.....	49	74	210
examine, stamp or pass daily reports for companies.....	49	74	210
rates and information to be furnished by.....	49	74	210
records, keep complete.....	49	74	210
service shall be available upon application.....	49	74	210
subject to inspection of Commissioner.....	49	74	210
Rate schedules, must be filed with Commissioner.....	49	73	209
Rebates, insured party not to receive special advantages.....	49	33	195
life insurance companies prohibited.....	49	180	260
prohibited	49	33	195
Receiver, Commissioner to be appointed.....	49	11	170
Reciprocal requirements and obligations.....	49	47	201
Reduction of capital stock.....	49	89	232
Refusal to render statement.....	49	26	192
Re-insurance—			
companies to be approved by Commissioner.....	49	81	217
re-insuring to acknowledge liability.....	49	81	217
defined	49	2	161
unauthorized alien companies, not permitted in.....	49	98	241
Repeal of laws.....	49	238	298
Reserve—			
liability of accident companies	49	95	236
fire companies	49	91	233
health companies	49	94	236
liability companies	49	95	236
life companies	49	91	233
valuation not to affect prior policies.....	49	96	241
Responsibility for deposit of securities with state.....	49	25	191
Return premiums	49	108	246
Revocation of certificate of authority.....	49	8	167
charges to be specified.....	49	8	167
court may review action.....	49	8	167
notice to be given.....	49	8	167
Risk, limitation of.....	49	107	246
Salaries of officers must be authorized by directors.....	49	27	193
Schedules—(see Rating Schedules).			
Service of process.....	49	13	173
on fraternal company.....	49	222	288
Securities, deposit with State Treasurer.....	49	23	182
"Solicitors"—			
application for license, requirements.....	49	46	201
consideration charged, to report.....	49	70	209
defined	49	2	161
false statement made in application.....	49	57	206
fee not mentioned in policy, not to collect.....	49	60	206
fiduciary capacity, to act in.....	49	17	176

INSURANCE.

INSURANCE—CONTINUED :

"Solicitors"—		
license fee	49	17 176
violation of law, must report.....	49	62 207
Sprinkler insurance, classification of.....	49	83 217
Stamping bureau may be established.....	49	101 242
Standard form, fire insurance policy.....	49	106 244
"State Insurance Commissioner"—		
agents' licenses, record of.....	49	44 200
transfer of	49	17 176
annual statement, to furnish blanks for.....	49	14 174
articles, amending, to approve proceedings in.....	49	12 173
assets, non-admitted, extend time for disposal of.....	49	23 182
attorney to accept service, to be appointed.....	49	13 173
Attorney General and prosecuting attorney to assist.....	49	99 241
biennial report, contents and printing.....	49	16 175
bond, to be given.....	49	5 164
certificate of authority, not to issue to domestic company, till securities are made.....	49	24 188
may cancel in rate war.....	49	111 247
may suspend, of title insurance companies.....	49	203 276
certificate of fraternal company, may revoke.....	49	234 296
certificate, revocation of, authority.....	49	8 167
court may review action.....	49	8 167
notice of, to specify charge.....	49	8 167
ten days' notice to be given.....	49	8 167
companies, alien, to file statement annually.....	49	22 179
authorized to make list of.....	49	16 175
authorization of, preliminary requirements.....	49	21 178
collect expense of examination from.....	49	77 215
examined by	49	7 165
foreign, may examine.....	49	7 165
impairment of, to give notice.....	49	9 169
liquidation of, to be appointed receiver.....	49	11 170
may audit books by expert accountant.....	49	7 165
mutual, impairment of, notice given.....	49	10 169
refusing to render statement, action.....	49	29 192
unauthorized, approve bond of agents for.....	49	75 211
require report from agent.....	49	75 211
defined	49	2 161
deposits, additional required from domestic.....	49	24 188
keep record of.....	49	24 188
deputy to be appointed.....	49	6 165
elective	49	3 164
enforce all laws.....	49	7 165
examinations, allowed expenses in making.....	49	77 215
fees and licenses collected to be paid to state.....	49	17 176
collect for service of process.....	49	13 173
paid, to be general.....	49	17 176
fraternal, foreign, may examine.....	49	232 295
appointed attorney to accept service.....	49	222 288
fraternal societies, appoint receiver of.....	49	230 293
information, to be given.....	49	35 197
inspection and stamping bureau, may establish.....	49	101 242
interest, to have none in insurance company.....	49	6 165
laws and blanks to be compiled and printed.....	49	16 175
licenses, agents', may withhold or revoke.....	49	45 209
revocation of, for political contributions.....	49	32 195
title insurance company of, may revoke.....	49	199 272
office, created	49	3 164
employees	49	6 165

INSURANCE.

INSURANCE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
"State Insurance Commissioner"—			
office, oath of.....	49	5	164
state capitol to be.....	49	5	164
term of	49	4	164
policies, accident and health, to approve.....	49	187	264
forms must be approved by.....	49	183	261
held by individuals, to inspect.....	49	68	209
premium taxes, collection of.....	49	26	192
rating schedules must be filed with.....	49	72	209
receiverships, may appoint special deputies.....	49	11	170
records, copy as evidence.....	49	15	175
inspect of, companies, agents, etc.....	49	20	177
keep, of service of process.....	49	13	173
proceedings of	49	15	175
re-insurance, contracts to approve all.....	49	81	217
salary	49	4	164
subpoena, witnesses	49	7	165
unauthorized companies, to inspect records of agents for....	49	75	211
violations, reporting of, not to make public names of in-			
formers	49	62	207
Statements for application for license.....	49	45	200
publishing figures not authorized prohibited.....	49	41	190
State Treasurer—			
deposits, to keep record of.....	49	24	188
receive	49	24	188
state responsible for.....	49	25	191
title insurance companies, receive of.....	49	198	271
relating to	49	199	272
Steam boiler insurance, classification of.....	49	83	217
Stock—(see Capital Stock)—			
lien by company.....	49	40	199
Stockholders' liability	49	82	217
Surety insurance—(see Fidelity Insurance).			
Surplus liens, agents authorized.....	49	75	211
"Surveyor" defined	49	2	161
governed by act.....	49	20	177
records subject to inspection.....	49	20	177
Tax—			
insurance liable for.....	24	3	92
Tax on Premiums—			
agent for unauthorized company to pay.....	49	75	211
due, when	49	26	192
rate of	49	26	192
statement to be filed.....	49	26	192
Taxation of fraternal societies.....	49	236	298
title insurance companies.....	49	204	277
Title Insurance—			
annual statement, contents, filing.....	49	202	275
articles of incorporation, contents, filing.....	49	85	223
capital required, qualifications.....	49	84	219
certificate of authority, expiration, renewal.....	49	203	276
classification of	49	85	217
deposit with state treasurer, conditions.....	49	199	272
formation of, requirements.....	49	197	271
funds to be invested in authorized securities.....	49	23	182
guarantee, may deposit bank stock as.....	49	198	271
held as special deposit.....	49	198	271
guarantee fund, impairment of, made good.....	49	199	272
deposit with State Treasurer.....	49	197	271
investment of	49	198	271
license, Commissioner may revoke.....	49	199	272

INSURANCE.

INSURANCE—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Title Insurance—			
pay fee for deposit with State Treasurer.....	49	200	275
penalty for non-compliance with law.....	49	201	275
tract index, must own and maintain.....	49	197	271
Unauthorized Companies—			
affidavit to be filed, when.....	49	75	211
agents, bond to give.....	49	75	211
license for.....	49	75	211
not to act unless given.....	49	44	200
policies to bear endorsement of.....	49	75	211
records, keep full.....	49	75	211
tax on premiums, to pay.....	49	75	211
refusing to, enforcement.....	49	75	211
business to be placed with solvent company.....	49	75	214
re-insurance not permitted in alien company.....	49	98	241
service of process on agent.....	49	75	211
Unauthorized statements, prohibited.....	49	41	199
Underwriters' policies, must bear name of company.....	49	19	177
"Unearned premiums" defined.....	49	2	161
Valuation of policies—(see Reserve).			
Valued policy.....	49	105½	243
Violations—(see Penalties)—			
reported, to be.....	49	62	207
adjusters, to be by.....	49	113	248
testifying, persons not excused from.....	49	60	206
Vouchers for expenditures, company must require.....	49	28	194
Warranty, not to avoid policy unless deceptive.....	49	34	197
INSURANCE DEPARTMENT:			
Appropriation for.....	44	....	146
Additional.....	61	1	330
INTEREST:			
Appropriation to pay.....	44	....	152
Capitol Building Bonds, rate on.....	59	4	322
<i>Cities—</i>			
local assessments, rate on.....	98	24	456
certificates of delinquency, rate.....	98	36	465
local improvements, bonds, rate on.....	98	47	472
Land office deposits, how fixed.....	51	4	301
<i>Schools—</i>			
bonds, tax to pay.....	88	2	391
insurance fund to draw.....	79	3	378
sinking funds of, to draw.....	88	2	392
<i>Waterways—</i>			
bonds to aid United States, rate of.....	3	1	4
commercial—			
rate on.....	11	36	41
warrants, legal rate on.....	11	34	40
port district bonds, how paid.....	92	4	420
assessments, rate on.....	23	39	81
<i>Public—</i>			
bonds, rate on.....	23	46	83
warrants, rate on.....	23	54	86
Workmen's Compensation, fund to draw.....	74	5	359
INTERSTATE COMMERCE:			
Application of workmen's compensation, relative.....	74	18	367
Public Service Commission, may seek change of rates in.....	117	58	575
Rates on, schedule to be filed with Public Service Commission..	117	17	551
INTOXICATING LIQUORS:			
Minors admitted to places of, penalty.....	133	1	649
using, penalty.....	133	1	650

JUTE.

IRRIGATION :

<i>Cities—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
acquirement of waters for.....	111	1	510
may issue bonds for.....	111	2	511
local assessments for.....	111	3	511
pipe lines of flumes may be built for.....	111	7	512
rental on, fixed by council.....	111	5	512
sale of water by.....	111	6	512
Code relative to, printing of ordered.....	H. C. R.	17	658
Dams in rivers authorized for.....	95	1	436
Horse Heaven project, time asked for.....	H. J. M	7	670
Regulating rates in (see PUBLIC SERVICE).....	117	54	571
Works authorized in rivers for.....	95	1	436
IVES, C. A. :			
Relief of	110	1	509
JACKS :			
Registration of—(see STALLIONS AND JACKS).....	99	1	483
JETTIES :			
Port districts may build.....	92	4	418
JEWS :			
Protection of, abroad urged.....	S. J. M.	8	665
JOHNSON, W. LON :			
Appropriation for relief of.....	61	1	330
JOINT STOCK COMPANIES :			
Regulation of—(see PUBLIC SERVICE).....	117	....	538
JONES, E. S. :			
Appropriation for relief of.....	61	1	330
JUDGES—(see COURTS) :			
Minor courts, restrictions on language.....	115	1	521
<i>Superior—</i>			
nomination of	101	1	489
prejudice of, how shown.....	121	2	617
<i>Supreme—</i>			
nomination of	101	1	489
number to elect.....	119	1	613
time of taking office.....	119	2	613
JUDGMENTS—(see also ACTIONS).			
Appropriation to pay.....	44	....	150
Garnishments, how entered.....	126	5	639
<i>Workmen's Compensation—</i>			
compromise entered, when.....	74	3	348
state subrogated to rights of.....	74	3	348
JURORS—(see also COURTS, Juries) :			
Custody of, during trial.....	57	8	317
Exemptions	57	2	314
Qualification of	57	1	314
JUSTICE OF PEACE :			
Garnishments, writs of, may issue.....	126	1	637
Language to be temperate.....	115	1	521
JUTE :			
Agents appointed to buy.....	132	3	646
Board of Control to purchase.....	132	1	645
Fabrics, how sold.....	132	2	645
How purchased	132	3	646
Sacks, price, how fixed.....	132	4	646

JUVENILE COURTS

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
JUVENILE COURTS:			
Proceedings before—(see COURTS: <i>Juvenile</i>).....	56	1	310
KALAMA RIVER:			
Fishing regulations on.....	104	1	498
KINDERGARTENS:			
Free, may be established—(see SCHOOLS).....	81	1	382
KING COUNTY:			
Nine judges for.....	76	1	375
KLICKITAT COUNTY:			
Judicial district with Cowlitz and Skamania.....	129	1	642
LABOR—(see also EMPLOYER AND EMPLOYEE; WORKMEN'S COMPENSATION):			
Accommodations for employees.....	117	35	563
Chainmen, axmen, etc., wages of.....	71	1	342
Females, hours of labor of.....	37	1	131
seats for	37	2	132
Special rates to employees—(see PUBLIC SERVICE).			
gas, etc., companies.....	117	29	560
railroads	117	18	553
LAKE WASHINGTON:			
Ship canal, validating bonds issued for.....	3	3	5
Street Over—			
dedication over shores of.....	94	1	428
trestle to be of artistic design.....	94	5	435
vacation of	94	3	434
LAKE WASHINGTON CANAL:			
Appropriation for	45	1	153
how expended	45	2	153
LANDLORD AND TENANT:			
Notice to tenant to quit, how served.....	26	1	95
LAW:			
Pierce's Code official to 1905.....	100	1	488
Remington & Ballinger's Code official to 1910.....	7	1	8
LAW LIBRARY:			
Appropriation for	44	....	145
LAWSON, HATTIE:			
Appropriation to pay judgment of.....	44	....	150
LEGISLATURE:			
Appropriations for expenses of.....	1	1	1
to index journals of.....	44	....	152
for printing	5	1	6
for additional printing.....	38	1	132
Pend Oreille county, new districts of.....	28	12	104
LEWIS COUNTY:			
Judicial district	131	1	644
LEWIS RIVER:			
Appropriation for bridge across.....	81	1	380
Fishing regulations on.....	104	1	498
LIABILITY INSURANCE:			
Provisions affecting—(see INSURANCE)	49	84	219
LIBRARIES:			
Townships may establish.....	34	1-9339 ½	114

LOGGED-OFF LAND.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
LICENSES :			
Aliens, to carry firearms.....	52	1	303
Attorneys, to practice—(see ATTORNEYS).....	48	....	158
Insurance—(see INSURANCE)—			
agents, etc., fee	49	17	176
application for	49	45	200
fraternal benefit society.....	49	220	287
transfer of license.....	49	17	176
Milk, sale of, in cities of first class.....	20	1	61
Scales for grain and hay, terminal warehouses.....	91	29	410
Stallions and jacks, registry, form of.....	99	4	484
Teachers—(see EDUCATION)	16	4	52
Warehouse, to receive grain and hay.....	91	18	405
LIENS :			
Materialman to give notice of goods furnished within five days..	77	1	376
Tax—(see TAXATION).			
on personalty, how satisfied.....	24	1	91
LIEUTENANT GOVERNOR :			
Appropriation for office of.....	44	....	143
LIMITATIONS :			
Actions continued, when.....	74	28	373
LITTLE SPOKANE :			
Fishing regulations on.....	104	1	498
LITTLE WHITE SALMON :			
Fishing regulations on.....	104	1	498
LIVE STOCK :			
Running at large, limiting—(see ANIMALS).....	25	1	93
Shipment of, preference right in—(see PUBLIC SERVICE)...	117	24	557
Townships to regulate estrays.....	34	1	113
"LLOYDS" :			
Provisions relating to—(see INSURANCE).....	49	86	229
LOCAL IMPROVEMENTS—(see also ASSESSMENTS) :			
Appropriation for, on state property.....	44	....	152
Bridges may be built by.....	103	1	494
Cities, local improvements—(see CITIES, <i>Local Improvements</i>)	98	1	441
Cities, water for irrigation, authorized.....	111	4	512
Liens, assessments for, are in cities.....	98	20	452
commercial waterway assessments are.....	23	39	81
assessments for public waterways are.....	23	39	81
Permanent highways built by.....	35	10	123
Viaducts in cities of first class, built by.....	103	1	494
<i>Waterways—</i>			
commercial, built by.....	11	28	34
port districts, improvements made by.....	92	4	418
public waterways, built by.....	23	25	74
LOCKS :			
Port districts may build—(see PORT DISTRICTS).....	92	4	418
LODGES :			
Fraud in relation to.....	46	1	155
LOGGED-OFF LAND :			
Examined for further uses.....	125	5	627
Reforestation	125	4	626

LOGS AND LOGGING.

LOGS AND LOGGING :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Appropriation for relief of fire fighters.....	68	1	339
Booms, tide lands leased for.....	86	1	388
Fire Protection—			
arrests, who may make.....	125	19	636
board of audit accounts.....	125	3	624
board to have general control.....	125	2	623
campfires, leaving, penalty.....	125	11	631
county to pay one-third.....	125	5	628
donkey engines, watchmen for, protection against.....	125	17	635
expenses, state to pay two-thirds.....	125	5	628
finer, paid to county treasurer.....	125	21	636
fires, men to be employed to fight.....	125	9	630
trees must be cut before slashing on burned.....	125	9	630
started through carelessness, penalty.....	125	11	632
investigation of.....	125	4	625
forester to recommend reforestation.....	125	4	627
forester, statistics to be gathered by.....	125	4	626
“forester fire service” includes what.....	125	4	625
Governor may suspend laws, when.....	125	10	631
instructions to be published.....	125	4	626
land cruisers, game wardens, etc., to be rangers.....	125	7	629
laws suspended by Governor.....	125	10	631
locomotives to have spark-arresters.....	125	14	633
logging, track walker to follow.....	125	18	635
logged-off land, public nuisance, when.....	125	12	632
mills to protect refuse burners.....	125	13	632
penalties, burning slashings without permit.....	125	8	630
penalties for burning slashings, when.....	125	8	630
firearms, fires started from.....	125	11	632
leaving camp fires.....	125	11	632
locomotive spark-arresters, failure to use.....	125	14	634
logging locomotives, failure to patrol.....	125	18	635
prosecuting attorney, failure to prosecute.....	125	20	636
railroads, permitting live coals on track.....	125	15	634
refusing to assist to suppress fire.....	125	9	631
refuse burner improperly protected.....	125	12	633
removing warning placards.....	125	11	631
setting or leaving fires.....	125	11	632
smokers setting fires.....	125	11	632
permits to burn slashings.....	125	8	630
prosecuting attorney to prosecute offenders.....	125	20	636
public nuisance, land containing inflammable material is.....	125	12	632
railroads, cinders to be dumped only in yards.....	125	15	634
railroads to prevent fires.....	125	14	633
refuse burners of mills to be guarded.....	125	13	632
right-of-ways, slashings on, to be burned.....	125	16	634
rangers, compensation of.....	125	7	629
who are included.....	125	7	629
make report.....	125	5	628
refusal to assist to suppress fire, penalty.....	125	9	631
slashings, dead trees must be cut.....	125	9	630
trees to be felled, how.....	125	16	635
when may be burnt.....	125	8	629
smokestacks to have spark-arresters.....	125	12	633
smokers starting fire, penalty.....	125	11	632
State Forester—			
appointment of.....	125	3	624
to appoint assistants.....	125	4	624
secretary of board.....	125	4	625
to have charge of forest fire service.....	125	4	625

MILITIA.

LOGS AND LOGGING—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
State Forester—			
to preserve forests.....	125	4	625
to investigate fires.....	125	4	625
to issue instructions.....	125	4	626
to notify county clerk of appointment of wardens.....	125	4	626
to map state lands.....	125	4	626
to prepare blanks.....	125	4	626
may appoint wardens.....	125	5	627
may suspend wardens.....	125	5	627
to employ men to suppress fires.....	125	9	630
to superintend burning of slashings.....	125	9	630
to compel locomotives to have spark-arresters.....	125	6	629
term of act defined.....	125	1	623
trees, how felled.....	125	16	635
wages of fire fighters.....	125	9	631
wardens, authority of.....	125	5	628
compensation of.....	125	5	627
burn materials, dangerous.....	125	5	627
investigate fires.....	125	6	629
report to Forester.....	125	5	628
wardens to superintend burning of slashings.....	125	9	630
may employ men to fight fires.....	125	9	630
wardens and rangers to report lack of spark-arresters.....	125	15	634
warnings to be posted.....	125	6	628
removed, penalties.....	125	11	631
Grantee of right-of-way over state land, to transport.....	109	3	507
Harbor areas may be leased for booming purposes.....	86	1	388
Owner of right-of-way over state lands to transport.....	109	5	509
Railroad Commission to fix rates over state lands.....	109	4	508
Right-of-way to Chehalis & Cowlitz Railroad.....	27	1	97
over state land to be common carrier.....	109	2	507
of state land reserved for.....	109	3	507
Tide lands leased for booming purposes.....	86	1	388
Timber removed from state lands, when.....	130	1	643
Timber standing, deemed personal property for taxation.....	24	1	90
MALFEASANCE—(see CRIMES).			
MANDAMUS—(see also INJUNCTION) :			
Public service may be ordered by.....	117	93	605
MARINE INSURANCE :			
Provisions relating to—(see INSURANCE).....	49	....	248
MASTER AND SERVANT—(see EMPLOYER AND EMPLOYEE) :			
Act to regulate as to injuries—(see WORKMEN'S COMPEN- SATION).....	74	....	346
MATERIALMEN'S LIENS :			
Notice of goods furnished to be given within five days.....	77	1	376
MESKILL STONE QUARRY :			
Appropriation for.....	73	1	343
Fund created from proceeds of quarry.....	73	2	344
Superintendent appointed for.....	73	3	344
METHOW RIVER :			
Fishing regulations on.....	104	1	498
MILITIA—(see also NATIONAL GUARD) :			
Naval militia as part of the National Guard.....	102	1	491
Special rates to.....	117	18	552

MILK.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
MILK:			
Bottled, name of seller on caps.....	39	1	133
Fraud in sale of bottled, penalty.....	39	3	133
Penalty for selling bottled, without name on caps.....	39	2	133
Sale of, license required in cities of first class.....	20	1	61
MILLS:			
Refuse burners to be protected.....	125	13	632
MINES:			
Appropriation to investigate.....	123	8	621
Commission created.....	123	1	619
Governor to appoint.....	123	2	619
Commission, legislature to propose.....	123	6	619
organization of.....	123	4	620
powers of.....	123	3	620
salaries and expenses of.....	123	7	620
Examination by Commission.....	123	5	620
Powder, regulations concerning.....	65	1	336
Witness compelled to testify before Commission.....	123	3	620
MINISTERS:			
Special rates to.....	117	18	552
MINORS:			
Delinquent, how controlled—(see COURTS, <i>Juvenile</i>).....	56	3	312
Dependent, defined—(see WORKMEN'S COMPENSATION)....	117	3	349
Guardians <i>ad litem</i> to represent in waterway hearing.....	11	23	32
appear for, in public waterway hearing.....	23	21	73
Prohibited from certain places.....	133	1	649
Use of tobacco by, penalty.....	133	1	649
MISFEASANCE—(see CRIMES; OFFICERS).			
MOUNTAIN GOAT:			
Season for taking—(see GAME).....	90	1	396
MT. RAINIER:			
Urging appropriation for roads around.....S. J. M.		5	661
MUNICIPAL CORPORATIONS—(see CITIES; COUNTIES, ETC.):			
Commercial waterways have power of.....	11	1	12
Port districts are.....	92	3	414
Public waterways, lands of, assess for.....	23	57	87
made party in proceedings to establish.....	23	56	87
MURPHY, J. B.:			
Appropriation for relief of.....	44	....	153
MUTUAL INSURANCE:			
By-laws, what to contain—(see INSURANCE).....	49	87	231
NASAL RIVER:			
Fishing regulations on.....	104	1	497
NATIONAL GUARD:			
Appropriation for.....	61	1	331
for armories, street grades.....	44	....	152
Bellingham Armory, investigation of ordered.....H. J. R.		3	657
Naval militia part of.....	102	1	491
<i>Naval Militia—</i>			
appropriation for.....	61	1	331
authorized as part of National Guard.....	102	1	491
cruise duty annually.....	102	3	492
divisions of for purposes of administration.....	102	4	492
officers of, examinations, qualifications.....	102	5	492
offices, list of.....	102	2	492
relation to U. S. Navy.....	102	1	491
Special transportation rates to.....	117	18	552

PASSES.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
NAVAL MILITIA—(see NATIONAL GUARD).			
NAVIGABLE WATER—(see WATER; WATERWAYS).			
NAVY:			
Fleet for Pacific Coast urged.....	H. J. M.	9	671
NEGOTIABLE INSTRUMENTS—(see BONDS).			
NEMA RIVER:			
Fishing regulations on.....	104	1	497
NOMINATIONS—(see ELECTIONS).			
NOON:			
Definition of	49	106	246
NORMAL SCHOOLS:			
Appropriation for	44	....	149
Tax levy for.....	69	4	340
NORTHERN HOSPITAL FOR THE INSANE:			
Appropriation for	44	....	148
NOXIOUS WEEDS:			
Providing for destruction of—(see AGRICULTURE, Weeds)..	60	1	327
OFFICERS:			
Authority of workmen's compensation commission.....	74	24	370
Constitutional amendment removing limitations on terms.....	22	1	63
Fiscal accounts to be kept.....	30	1	108
Funds collected by, to be deposited dally.....	30	1	108
Judges Supreme Court, terms of when filling vacancy.....	119	2	614
Malfeasance of election officers.....	89	1	395
Mayors in cities of fourth class to appoint certain.....	33	1	112
Neglect of duty, punishment.....	30	1	108
Nominations, laws applicable to.....	101	2	491
recall elections	2	1	1
Public Service Commissioners ineligible to hold other office.....	117	3	539
Recall in cities authorized.....	17	2	54
Recall of, constitutional amendment on.....	108	1	504
OPIUM:			
Minors not allowed in places used.....	133	1	649
OREGON:			
Conference on fishing laws urged.....	S. J. R.	4	653
OYSTER SACKS:			
Penitentiary to make and sell—(see PENITENTIARY).....	132	2	645
PACIFIC:			
Fleet urged for.....	H. J. M.	9	671
PACIFIC COUNTY:			
Judicial district with Wahkiakum.....	131	2	644
PALIX RIVER:			
Fishing regulations on.....	104	1	497
PARKER, CLARENCE:			
Appropriation for relief of.....	61	1	330
PARTNERSHIP:			
Regulation of—(see PUBLIC SERVICE).....	117	....	538
PASSES:			
Who may use.....	117	18	551
Prohibited, exceptions	117	18	552

PEACOCK, FRED.

PEACOCK, FRED:			
Appropriation to pay judgment of.....	44	....	150
PENALTIES—(see CRIMES).			
PEND OREILLE:			
Assumption of portion of debt from Stevens county.....	28	2	101
Boundaries of	28	1	98
Classification of	28	5	102
Commissioners to appoint officers of.....	28	9	103
Commissioners districts in.....	28	11	104
governor to appoint.....	28	6	103
County seat of.....	28	4	102
Judicial proceedings at time of organization, how continued...	28	15	105
Part of second senatorial district.....	28	12	104
Precincts and other subdivisions commissioners to create.....	28	7	103
Precinct, school district and other minor officers in, continued..	28	8	103
Records relating to, certified by auditor of Stevens county.....	28	14	104
Sixtieth representative district.....	28	12	104
Taxes levied by Stevens county in, collection of.....	28	3	102
Transcribing of records affecting method of.....	28	17	105
Transfer of court records to.....	28	16	105
Until organized Stevens county to continue jurisdiction.....	28	13	104
With Stevens county for judicial purposes.....	28	10	103
PENITENTIARY:			
Appropriation for chaplain of.....	44	....	152
Convicts to work in quarries.....	114	1	518
Grain sacks made in.....	132	2	645
Jute fabrics, how sold.....	132	2	645
Jute, to be purchased for.....	132	1	645
purchasing agent appointed for.....	132	3	646
Oyster sacks made in.....	132	2	645
Products, agents to sell.....	132	3	646
Products of, how sold.....	132	2	645
price of, fixed by board of control.....	132	4	646
rules for sale of, Board of Control to fix.....	132	7	648
PENSIONS:			
Appropriation for Indian war veterans—(see INDIAN WAR			
VETERANS)	127	1	640
Indorsing increase of.....	H. J. M.	14	673
Increase in urged.....	H. J. M.	10	672
PERCH:			
Relative to taking in Silver lake.....	50	1	299
PERMANENT HIGHWAY:			
Providing for construction of—(see HIGHWAYS, <i>Permanent</i>)..	35	....	118
PERMANENT HIGHWAY FUND:			
Tax levy for—(see HIGHWAYS, <i>Permanent</i>).....	35	14	126
PERSON:			
Definition of in Public Service Commission Law.....	117	8	542
PERSONAL INJURIES:			
Employee, compensation for—(see WORKMEN'S COMPENSA-			
TION)	74	....	346
Workman, when may elect remedy.....	74	3	348
PETIT JURY—(see also COURTS; Juries):			
How drawn	57	3	314
Qualifications of	57	1	314
Rights of	57	8	317

PORT DISTRICT.

	Ch.	Sec.	Page
PIERCE'S CODE:			
Official to 1905.....	100	1	488
PIERCE COUNTY:			
Game preserves created in.....	84	1	384
Fishing in Chambers creek, regulations.....	104	1	499
PISTOLS:			
Sale to minors, prohibited.....	133	1	650
POLICE—(see also CITIES):			
Courts, judges of, to use decent language.....	115	1	521
<i>Relief and Pension Fund—</i>			
death payments to widow, or dependents.....	18	4	58
disability pay	18	3	58
election of trustees.....	18	1	56
funds—			
payments from, how made.....	18	7	59
transfer of surplus.....	18	5	59
treasurer to keep.....	18	7	59
payments, how made.....	18	5	58
retirement, conditions and pay.....	18	2	57
sick relief	18	6	59
trustees of	18	1	55
monthly meetings of.....	18	5	58
POOL ROOMS:			
Minors not permitted in.....	133	1	649
PORT DISTRICT:			
Act creating, cumulative.....	92	14	426
Actions, appeals from assessments.....	92	10	425
Annual tax, limit of.....	92	4	419
Assessment for part of the improvement.....	92	10	424
Area, greater petitioned for, acted on first.....	92	2	414
may be less than county.....	92	2	414
Assessments, how levied.....	92	4	418
Authorized to be created.....	92	1	412
Bids to be called for on work.....	92	5	421
Certified check to accompany.....	92	5	421
Bonds—			
issued if cost exceeds one-half mill annually.....	92	9	424
limit on	92	4	420
vote on	92	4	420
local improvement, how issued.....	92	4	419
sinking fund for.....	92	4	420
wharves, bonds issued when lease is made.....	92	4	420
Commission appoint other officers.....	92	5	420
Commissioners—			
election	92	3	417
eligibility	92	3	415
number of	92	3	415
term of	92	3	415
salary	92	5	420
nominations	92	3	416
vacancy in office of, how filled.....	92	3	416
prepare assessments	92	4	418
Contracts to be let when.....	92	5	421
Control of waters in state, grants to.....	92	4	419
Corporate powers granted to.....	92	3	414
Cost of, when submitted to vote.....	92	9	423
Docks, may be constructed by.....	92	4	418

PORT DISTRICT.

PORT DISTRICT—CONTINUED :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Elections—			
annual, notice of	92	3	416
commissioners, time of.....	92	3	415
district created by.....	92	2	412
expenses of paid by county.....	92	3	415
establishment, notice of.....	92	2	413
hours of voting.....	92	3	417
plans of improvement, notice of.....	92	6	422
polling places	92	3	416
registration, same as for city or county.....	92	3	417
who may vote.....	92	3	417
Eminent domain granted to.....	92	4	418
Funds—			
county treasurer to handle.....	92	5	421
special, created	92	13	426
Harbor improvements, plans to be voted on.....	92	6	422
Improvement, annual cost of exceeding half mill to be voted on	92	9	423
follow plans adopted.....	92	7	423
local assessment for.....	92	10	424
local, one-half paid from general fund.....	92	11	425
local, district for, notice.....	92	10	425
owned by district.....	92	8	423
Indebtedness, may incur.....	92	12	426
Leases, period of.....	92	4	419
Local improvement districts in.....	92	4	418
Named after principal city.....	92	2	414
Officers of, election of.....	92	3	415
Petition to create.....	92	2	413
Petition for part of improvement, hearing on.....	92	10	424
Port of, fund created.....	92	13	426
Powers of—			
eminent domain	92	4	418
harbor improvements	92	4	418
lands or other property by.....	92	4	418
Terminal facilities, may acquire and operate.....	92	4	418
Waterways of U. S. or state improved by.....	92	4	419
POUNDMASTER:			
Township, fees of.....	34	1	116
POWDER:			
Relating to storage of (see COAL MINES).....	65	1	336
PREACHERS:			
Special rates to.....	117	18	552
PRIMARY ELECTIONS—(see ELECTIONS).			
PRINTING:			
Appropriation—			
Highway Commissioner	70	1	342
legislature	5	1	6
legislative printing, additional.....	38	1	132
state offices	44	....	157
PROBATION OFFICERS—(see COURTS, Juvenile).			
PROCESS—(see SUMMONS).			
PROSECUTING ATTORNEY:			
Actions brought by state, etc.....	75	1	375
Condemnation proceedings for highways by.....	54	8	307
Highways, to institute condemnation proceedings for.....	54	8	307
Insurance Commissioner assisted by.....	49	99	241
Penalty, failure to prosecute forest fire violations.....	125	20	636
Public waterways, to act for, in condemnation proceedings.....	23	11	69

PUBLIC SERVICE.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
PROSTITUTION:			
Minors not permitted in places of.....	133	1	649
PUBLIC BUILDINGS:			
Appropriations for—(see APPROPRIATIONS).			
Resolution endorsing native material.....S. J. R.	10	....	655
PUBLIC HIGHWAY FUND—(see also HIGHWAYS):			
Levy for	53	1	503
Payments out of.....	35	4	112
PUBLIC IMPROVEMENTS—(see also CITIES; HIGHWAYS; WATERWAYS; PORT DISTRICTS):			
Bonds for, election.....	3	1	4
Counties may aid state or nation in.....	3	1	4
Giving aid to state or nation in certain, a county purpose.....	3	1	4
Indebtedness for, limit of.....	3	1	4
Validating bonds issued to aid state or nation in.....	3	3	5
PUBLIC OFFICES—(see OFFICERS).			
PUBLIC SERVICE:			
Accidents, commission to investigate.....	117	63	577
Accounts, uniform system of, prescribed.....	117	78	590
Act to regulate, title.....	117	1	538
Act relating to, unconstitutionality of part, effect.....	117	108	611
Actions—			
mandamus or injunction, when granted.....	117	93	605
overcharge in public service, evidence.....	117	91	600
pending, new law not to affect.....	117	111	611
right of, not abrogated.....	117	104	609
Airbrakes, eighty-five per cent. of trains to have.....	117	66	580
Appeals—			
bond, supersedeas	117	87	598
findings of Commission correct.....	117	100	608
how taken	117	86	596
judgment, effect of.....	117	86	597
orders conclusive in.....	117	99	608
record of, Commission to make.....	117	81	593
stay bond, when required.....	117	87	597
Supreme Court, how taken cost bond.....	117	88	599
valuation of properties, taken from.....	117	92	603
Appropriation for	117	106	610
Annual reports to be made to Commission, contents of.....	117	78	589
Attorney General—			
actions brought by.....	117	93	605
Commission represented by.....	117	5	540
Automatic Couplers—			
cars to be equipped with.....	117	66	579
Betterments, valuation of.....	117	92	604
Books—			
Commission may inspect.....	117	77	589
examination, refusal to permit.....	117	79	591
Brakes required on cars.....	117	66	580
Bridges—			
Commission may order repairs in.....	117	65	579
inspector may condemn.....	117	67	583
Bulletins, Commission regulate.....	117	85	595
Cars—			
Commission to regulate weighing.....	117	60	576
distribution book to be kept for.....	117	11	547
equipment for safe handling, required.....	117	66	580
furnished on demand.....	117	11	547

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Cars—			
furnished without discrimination.....	117	11	547
interchange of, Commission to regulate.....	117	57	574
street, brakes, etc., required on.....	117	66	580
Classification—			
change in, unauthorized when.....	117	84	595
false, unlawful.....	117	23	556
Commission—			
meaning of.....	117	8	541
appointment, term.....	117	2	538
cars, interchange of, rules concerning.....	117	57	575
change in rates, may allow without notice.....	117	15	550
complaints made by.....	117	80	592
employees of, salaries, oath.....	117	6	540
equipment, to prescribe.....	117	66	581
examination of record by.....	117	78	591
expenses of and of employees allowed.....	117	6	541
gas, electricity and water rates fixed by, hearing, order.....	117	54	571
general rules and regulations, power to make.....	117	85	595
hearings on defective equipment, bridges, etc.....	117	65	579
inspectors for gas, etc., appointment by.....	117	74	585
interstate rates, investigation of.....	117	58	575
joint rates fixed by.....	117	57	574
laws to be enforced by.....	117	101	608
monthly reports ordered by.....	117	78	590
notice of rules, etc., fixed by.....	117	85	596
oath may be administered.....	117	75	587
office of, seal, etc.....	117	6	540
orders of, conclusive.....	117	99	608
orders modified by.....	117	85	596
effect of.....	117	90	600
may petition Interstate Commerce Commission when.....	117	58	575
quorum of.....	117	7	541
rates to be fixed by, hearing, order.....	117	53	571
rehearings, authorized to grant.....	117	89	599
rules for expediting traffic, to make.....	117	59	575
scales tested by fee.....	117	19	554
schedules, form of to be established by.....	117	14	548
secretary of, duties.....	117	4	539
side tracks and switches regulated by.....	117	62	576
steamboat rates, special allowed by.....	117	14	550
subpoenas may be issued by.....	117	75	587
telephone line, order to connect, joint rates.....	117	73	585
telephone and telegraph rates, filed with.....	117	36	563
changed only on approval of.....	117	37	564
discrimination may be permitted.....	117	44	567
hearing, order fixing.....	117	55	573
testimony to be taken by.....	117	75	587
track connections ordered by.....	117	60	576
valuation of properties fixed by.....	117	92	601
vessels, rates, special allowed by.....	117	14	550
weighing test to be enforced by.....	117	60	576
Commissioner—			
meaning of.....	117	8	541
bond, oath, compensation.....	117	3	539
disqualified from holding other office.....	117	3	539
Common Carrier—			
meaning of.....	117	8	543
connecting lines, discrimination against unlawful.....	117	24	557
defective equipment prohibited.....	117	66	582

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Common Carrier—			
facilities to be adequate.....	117	9	546
false billing, report, etc., prohibited.....	117	23	556
improvements, Commission to order.....	117	64	578
interstate business, report to show.....	117	78	590
interstate rates to be filed.....	117	17	551
joint tariffs of, one carrier only to file.....	117	16	550
live stock, preference in shipment of.....	117	24	557
long and short haul.....	117	22	555
rates, changes in to be approved by Commission.....	117	15	550
fair and reasonable.....	117	9	546
fixed by Commission.....	117	53	571
rebates prohibited.....	117	20	555
regulation of, procedure.....	117	53	571
regulations to be just and reasonable.....	117	9	547
repairs may be ordered, hearings.....	117	65	579
service to be prompt.....	117	10	547
special rates, limitation on.....	117	18	551
tariffs, schedule to be posted.....	117	14	548
unreasonable preference unlawful.....	117	21	555
wrecks, report of to Commission.....	117	63	577
Companies—			
books must be produced by.....	117	79	591
liable for actual damages.....	117	102	608
Complaints—			
Commission or others may make.....	117	80	592
hearings on, notice.....	117	81	593
interstate commerce.....	117	58	575
Connecting lines—			
discrimination against unlawful.....	117	24	557
joint rates, distribution of.....	117	83	594
Consignment, misrepresentation as to, unlawful.....	117	23	557
Constitutionality of act, effect if part void.....	117	108	611
Construction of act.....	117	105	610
Contracts—			
Commission to regulate.....	117	85	595
continued as to gas, etc.....	117	34	561
Corporation defined.....	117	8	542
Couplers—			
automatic required.....	117	66	580
chains may be used when.....	117	66	581
Crossings, train to stop at when.....	117	69	584
Damages—			
law does not release.....	117	104	609
liability for actual.....	117	102	608
Deaths, notice of to Commission, investigation.....	117	63	577
Defective appliances prohibited.....	117	66	582
Definition.....	117	8	541
Demurrage, Commission to regulate.....	117	85	595
Density of traffic, consideration of.....	117	92	602
Deposition, testimony taken by.....	117	76	588
Depots, when to be kept open.....	117	85	595
Discrimination—			
false billing, etc., unlawful.....	117	23	556
freight by other carriers to be handled without.....	117	24	557
gas in, electricity and water, unlawful.....	117	31	561
Dock defined.....	117	8	546
Earning capacity, how fixed.....	117	92	601
Electrical company defined.....	117	8	543
Electric plant defined.....	117	8	543
Commission to order changes in, hearing.....	117	70	584

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Electricity—			
contracts may be continued.....	117	34	561
distribution to be fair.....	117	33	561
inspector for, appointment.....	117	74	585
meters for, inspection of.....	117	74	586
preference in furnishing, prohibited.....	117	30	560
rates, change in, notice to Commission.....	117	28	559
rates for, Commission to hear and fix.....	117	54	571
rates and regulations to be just and reasonable.....	117	26	558
regulations concerning, procedure.....	117	54	571
schedule of rates filed with Commission.....	117	27	558
sliding scale of rates permitted.....	117	31	561
special rates, when permitted.....	117	29	560
unjust discrimination to patrons of, prohibited.....	117	31	561
users may have meters inspected.....	117	74	586
Employees—			
common carrier defined.....	117	18	553
railroad, special rates may be given.....	117	18	552
telephone and telegraph, convenience for.....	117	35	562
Engines, power brakes, etc., required on.....	117	66	579
Equipment, defective unlawful to operate.....	117	66	582
Expenses of Commission and employees allowed.....	117	6	541
Express company defined.....	117	8	543
Express deliveries, free territory of, how fixed.....	117	85	595
Facilities to be adequate.....	117	9	546
False billing prohibited.....	117	23	556
Fenders, Commission to prescribe for street cars.....	117	66	580
Findings deemed correct.....	117	100	608
Five-cent fare on street cars.....	117	25	558
Frogs, to be blocked.....	117	68	583
Gas company, meaning of.....	117	8	543
Gas—			
contracts for, continued.....	117	34	561
distribution to be undiscriminating.....	117	33	561
inspector for, appointment.....	117	74	585
meters, inspection of.....	117	74	586
rates, change in, notice to Commission.....	117	28	559
Commission to hear and fix.....	117	54	571
rates and regulations to be just and reasonable.....	117	26	558
regulations concerning, procedure.....	117	54	571
schedule of rates, filed with Commission.....	117	27	558
sliding scale of rates permitted.....	117	31	561
special rates, when allowed.....	117	29	560
unjust discrimination in furnishing, prohibited.....	117	31	561
unreasonable preference prohibited.....	117	30	560
users may have meters inspected.....	117	74	586
Gas plant, meaning of.....	117	8	543
Commission to order changes in, hearing.....	117	70	584
Governor may remove Commissioner.....	117	2	538
Grab irons, cars and engines to have.....	117	66	580
Grievances, complaint of to be filed.....	117	80	592
Guard rails to be blocked.....	117	68	583
Headlights, electric required.....	117	66	580
Hearings—			
one Commissioner may hold.....	117	7	541
when to be held.....	117	81	593
where held.....	117	7	541
Improvements—			
Commission to order.....	117	64	578
valuation of.....	117	92	604
Increased rates, supervision of.....	117	82	594

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED:	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Injunction, writ of when issued.....	117	93	605
Injuries, notice of to be given Commission.....	117	63	577
Inspector—			
deputies may be appointed.....	117	67	582
gas, electric, water, Commission may appoint.....	117	74	585
privileges of, may ride.....	117	67	583
report to superintendent of road defects.....	117	67	582
track or bridges condemned by, when.....	117	67	583
Interstate Commerce—			
Commission may petition to change.....	117	58	575
report of carrier to show.....	117	78	590
Interstate rates, Commission may petition to change.....	117	58	575
Irrigation—			
rates for, Commission may regulate.....	117	54	571
“water system” includes.....	117	8	545
Joint Rates—			
hearings on.....	117	83	594
regulation of.....	117	57	574
Joint tariff, one carrier to file.....	117	16	550
Law, unconstitutionality of part, effect.....	117	108	611
Laws, Commission to enforce.....	117	101	608
Liability of carrier, contracts void, releasing.....	117	104	609
Live Stock—			
chain coupler may be used on cars, when.....	117	66	582
preference in shipments allowed.....	117	24	557
Locomotives—			
air brakes required on.....	117	66	579
automatic couplers required.....	117	66	579
electric headlights required, exception.....	117	66	580
Long and short haul, regulations concerning.....	117	22	555
Mandamus, writ of when issued.....	117	93	605
Market value, how determined.....	117	92	601
Messages, Commission to regulate delivery of.....	117	85	595
Meters—			
inspection of, expense how paid.....	117	74	587
inspected before installed.....	117	74	586
Monthly reports, Commission may order.....	117	78	590
Motive power, increase in, Commission may order.....	117	64	578
Oath, Commission may administer.....	117	75	587
Orders—			
Commission to furnish copies of.....	117	103	609
conclusiveness of.....	117	99	608
modification of.....	117	90	600
objections to, hearing on.....	117	85	596
Overcharge, action on.....	117	91	600
Passes, prohibited.....	117	18	552
Penalties—			
action to collect.....	117	98	607
corporation, how imposed.....	117	96	607
disobedience to orders or statute.....	117	94	606
individuals or patrons liable.....	117	97	607
officers or employees violating orders or statute gross misdemeanor.....	117	95	606
Perishable Freight—			
cars containing chain couplers on, when.....	117	66	582
preference in handling allowed.....	117	24	557
Person, defined.....	117	8	542
Preferences, common carriers not to give.....	117	21	555
exceptions to rule.....	117	24	557
Property, valuation of.....	117	92	601
Public service company defined.....	117	8	546

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page.</i>
Railroad, meaning of.....	117	8	542
Railroad company defined.....	117	8	542
Railroads—			
accidents, investigation of.....	117	63	578
air brakes required on.....	117	66	580
automatic couplers to be used on.....	117	66	579
bridges of, repairs, order in.....	117	65	579
bulletin of trains, Commission to fix rules for.....	117	85	595
cars furnished by without discrimination.....	117	11	547
cars and engines, equipment required on.....	117	66	579
connecting lines, discrimination against, unlawful.....	117	24	557
defective appliances unlawful.....	117	66	582
defective cars may be hauled to shops.....	117	66	581
discrimination in supply of cars prohibited.....	117	11	547
distribution book to be kept by.....	117	12	547
employees, special rates may be given.....	117	18	552
frogs and switches to be blocked.....	117	68	583
improvements in, commission to order.....	117	64	578
interstate rates to be filed.....	117	17	551
joint rates, regulation of.....	117	57	574
joint tariffs of, filed by one road.....	117	16	550
live stock, preference in shipments of.....	117	24	557
long and short haul.....	117	22	555
rates, changes in, Commission to approve.....	117	15	550
rates to be just and reasonable.....	117	9	546
rebates prohibited.....	117	20	555
regulation of, procedure.....	117	53	571
regulations to be reasonable.....	117	9	547
scales of, Commission to regulate.....	117	60	576
scales provided by.....	117	19	554
service to be prompt.....	117	10	547
side track to be built on application.....	117	13	548
side tracks, Commission may order.....	117	62	576
sidings and spurs to be furnished.....	117	9	546
special rates, to whom may be given.....	117	18	552
tariffs, schedule of, to be posted.....	117	14	548
agreements filed with Commission.....	117	.....	.....
traffic on, Commission to expedite.....	117	59	575
track connections required when.....	117	61	576
trains to stop at crossings.....	117	69	584
wreck on, investigation of.....	117	63	577
Railroad Commission—			
orders of continued.....	117	111	611
Public Service Commission succeeds.....	117	107	610
records transferred to Public Service Commission.....	117	110	611
Rates—			
change in, Commission may deny.....	117	84	595
Commission to fix, hearing, order.....	117	53	571
copies of, Commission to furnish.....	117	103	609
form of schedule to conform to Interstate Commerce Commission.....	117	14	549
gas, electricity and water, sliding scale permitted.....	117	31	561
gas, electricity, water, change in, how made.....	117	28	559
increase of, Commission may suspend.....	117	82	594
increase in, hearing on.....	117	82	594
increase of, when not allowed.....	117	87	597
overcharge, action on.....	117	91	600
street cars, fares and transfers.....	117	25	558
telephone and telegraph lines to be filed with Commission.....	117	36	563
gas, electricity and water, reasonableness of.....	117	26	558

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Rebates—			
common carriers not to grant.....	117	20	555
Reciprocal demurrage, regulation of.....	117	85	595
Records, Commission may examine.....	117	78	591
Rehearings, procedure	117	89	599
Repeals, list of	117	109	611
Reports—			
Commission can inquire monthly.....	117	78	590
to be filed with Commission.....	117	78	589
Rules and regulations prescribed, hearings on objections.....	117	85	595
Safety appliance—			
Commission to require hearings.....	117	66	579
inspector of, duties	117	67	582
operating train without unlawful.....	117	66	582
Scales—			
Commission to regulate	117	60	576
railroads to provide	117	19	554
testing, fee for	117	19	554
Schedule of trains, notice of, Commission may regulate.....	117	85	595
Secretary of Commission, salary.....	117	4	540
Service, meaning of	117	8	544
Service to be prompt.....	117	10	547
Service to be without discrimination.....	117	33	561
Shipper—			
schedule of rates to be open to for inspection.....	117	14	548
special rates to, when	117	18	551
Shipment, misrepresentation as to, unlawful.....	117	23	557
Sidetrack—			
Commission may order	117	64	578
hearing on	117	62	576
requests for, built upon.....	117	13	548
Special rates, when Commissioner may grant.....	117	18	552
Stations, rules affecting Commission to make.....	117	85	595
Statute, unconstitutionality of part, effect.....	117	108	611
Steamboat company—			
definition of	117	8	545
special rates may be charged by.....	117	14	550
Stock shipments, preference given.....	117	24	557
Street cars—			
fares and transfers, rates for.....	117	25	558
fenders and brakes, commission to prescribe kind.....	117	66	580
transfers must be given	117	25	558
Street Railroad Company defined.....	117	8	542
Street Railroad, meaning of.....	117	8	542
Suppoenas, Commission may issue.....	117	75	587
Supersedeas, when granted	117	87	597
Superior Court to order witnesses before Commission.....	117	75	588
Switches to be blocked	117	68	583
Switch engine, equipment for.....	117	66	580
Telegraph company defined.....	117	8	544
Telegraph line, definition of.....	117	8	545
Telegraph and Telephone—			
buildings for patrons and employees required.....	117	35	562
charitable institutions, special rates allowed.....	117	40	566
Commission orders changes in hearing.....	117	71	584
connections with other lines, Commission may order.....	117	73	585
contracts of may be continued.....	117	43	567
discrimination in distance prohibited.....	117	44	567
discrimination in rates prohibited.....	117	41	566
employees of may have special rates	117	40	566
instruments and facilities to be kept in repair.....	117	35	562

PUBLIC SERVICE.

PUBLIC SERVICE—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Telegraph and Telephone—			
agreements, copies filed with Commission.....	117	39	565
joint rates, Commission may order.....	117	73	585
joint rates, concurrence in to be filed.....	117	38	565
messages from other lines to be forwarded.....	117	45	568
rates, change in commission to approve.....	117	37	564
to be fair and reasonable.....	117	35	562
fixed by Commission, hearing order.....	117	55	573
long distance to be not less than short distance.....	117	44	567
to be made public.....	117	36	563
notice of change in, to be given.....	117	37	564
special to persons and institution, permitting.....	117	40	566
to be uniform.....	117	41	566
rebates prohibited.....	117	40	565
regulation of, procedure.....	117	55	573
service to be efficient.....	117	35	562
service to be furnished on demand.....	117	35	563
without preference.....	117	42	566
special privileges, to whom allowed.....	117	40	566
Telephone Company defined.....	117	8	544
Telephone line, definition of.....	117	8	544
Terminal facilities, Commission may order.....	117	64	578
Track connections, Commission to order.....	117	61	576
Tracks, inspector may condemn.....	117	67	583
Traffic agreements—			
Commission to regulate.....	117	57	574
Commission to expedite.....	117	59	575
density of, consideration of.....	117	92	602
Transfers, street cars to give.....	117	25	558
Transportation of persons, term defined.....	117	8	544
Transportation of property, term defined.....	117	8	544
Traveling expenses of Commission allowed.....	117	6	541
Valuation, appeals from.....	117	92	603
Valuations—			
changes in, hearings.....	117	92	604
evidence—findings.....	117	92	602
Vessel—			
meaning of.....	117	8	545
rates, Commission may allow special.....	117	74	550
Violation (see Penalties).			
Warehouse defined.....	117	8	546
Warehouse—			
Commission to order changes in.....	117	72	585
discrimination prohibited.....	117	51	570
facilities to be safe and efficient.....	117	46	568
forms of contracts to be public.....	117	47	568
rate, change in, notice to Commission.....	117	48	568
Commission to fix hearing—order.....	117	55	573
commission may permit without notice.....	117	48	568
established only to be charged.....	117	49	569
made public.....	117	47	568
rebates prohibited.....	117	49	569
regulation of, procedure.....	117	56	573
regulations to be reasonable.....	117	46	568
service to be fair and reasonable.....	117	46	568
service to be rendered on demand.....	117	52	570
service to be uniform to all.....	117	50	570
special rates, to whom granted.....	117	49	569
Warehouseman defined (see also WAREHOUSES).....	117	8	546
Water contracts for, continued.....	117	34	561
distribution to be undiscriminating.....	117	33	561

QUIETING TITLE.

PUBLIC SERVICE—CONTINUED:

Water, inspector, for appointment	117	74	585
meters, inspection of.....	117	74	586
preferences in furnishing prohibited.....	117	30	560
rates, change in, notice to Commission.....	117	28	559
rates of, Commission to hear and fix.....	117	54	571
rates and regulations to be just and reasonable.....	117	26	558
regulations concerning procedure	117	54	571
schedule of rates filed with Commission.....	117	27	558
sliding scale of rates permitted	117	31	561
special rates, when allowed.....	117	30	560
unjust discrimination to patrons of, prohibited.....	117	31	561
users may have meters inspected.....	117	74	586
Water Company defined	117	8	545
Water system, meaning of	117	8	545
Water works, Commission to order changes in hearing.....	117	70	584
Weighing, railroads to provide for.....	117	19	554
Wharf defined (see also WAREHOUSES).....	117	8	546
Wharfinger, meaning of (see also WAREHOUSES).....	117	8	546
Witness—			
attendance of, how compelled.....	117	75	587
fees of	117	76	588
number of, limited.....	117	75	588
Words and phrases defined	117	8	541
Wrecks, Commission to investigate.....	117	63	577
Writ of review—			
how taken	117	86	596
return of	117	86	596
supersedeas, bond for required	117	87	598
“PUBLIC SERVICE COMPANY”:			
Defined in public service commission law—(see PUBLIC SERVICE)	117	8	546
PUBLIC UTILITIES:			
Act to control, title of—(see PUBLIC SERVICE).....	117	1	538
Cities may sell surplus of gas, water, etc.—(see CITIES).....	111	6	512
Commission to handle	117	2	538
appointment and removal of.....	117	2	538
County may join with United States in—(see WATERWAYS).....	3	1	3
Port districts may acquire and operate.....	92	4	418
Rivers may be damned for irrigation of power.....	95	1	436
State lands, grantee of, easement over, to be common carrier... ..	109	3	507
Warehouse, regulating—(see WAREHOUSES).....	91	....	398
Wharfage rates of port districts to regulate.....	92	4	419
PUBLIC WAREHOUSE:			
Defined	91	1	398
PUNISHMENTS—(see CRIMES).			
QUARRIES:			
Acquired for road purposes	54	9	307
Product, how sold	114	1	518
Rotary fund, created.....	114	1	520
Superintendent of to be appointed.....	114	1	520
“QUARRIES ROTARY FUND”:			
Created	114	1	520
Meskill stone quarry operated from	73	2	344
QUIETING TITLE:			
Actions for, parties	83	1	383

RAILROADS.

RAILROADS:	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Act to regulate—(see PUBLIC SERVICE).....	117	....	538
Assessment of properties, how made.....	21	1	62
Brakes, air required on	117	66	580
Car distributing, book to be kept by.....	117	12	547
Cars—			
furnished without favoritism.....	117	11	547
hand rails, etc., required on	117	66	579
Cinders prohibited on right-of-way.....	125	15	634
Connecting lines, freight from, no discrimination.....	117	24	557
Construction on permanent highway prohibited.....	35	16	127
Definition of in Public Service Commission law.....	117	8	542
Demurrage, average plan permitted.....	96	1	438
Discrimination prohibited	96	1	437
Employees of, may be carried free.....	117	18	552
Equipment required	117	66	579
Facilities, adequate to be furnished.....	117	9	546
False billing prohibited.....	117	23	556
Government, state, county etc., special rates may be granted...	117	18	553
Grain shipments, to provide for.....	91	25	407
Interstate tariffs of to be filed.....	117	17	551
Locomotives—			
safety equipment required on	117	66	579
spark arresters required on.....	125	14	633
Long and short haul, rates, limitation on.....	117	22	555
Over state lands, Commission to regulate.....	109	2	509
Passes, who may have.....	117	18	552
Perishable freight given preference.....	117	24	557
Police protection to hay and grain shipments.....	97	30	410
Port districts may operate.....	92	4	418
Property of, how classified for taxation.....	21	1	62
Public waterway districts, change in to be charged to district...	23	9	69
Rate—			
changes, Commission to be notified.....	117	15	550
must be fair	117	9	546
Regulations to be reasonable	117	9	547
Scales—			
provision made for testing.....	117	19	554
tested by	91	29	409
fee	91	29	410
Schedule to be posted	117	14	548
Sidetracks—			
built by	117	13	548
provided for inspection of hay or grain	91	29	409
Special rates prohibited	117	18	551
Street Cars—			
cars to be properly equipped.....	117	86	580
transfers must be given	117	25	558
Train Crew—			
freight, number composing	134	2	651
offenses, relative	134	3	651
passenger, number composing	134	1	650
penalties for violations, relative	134	4	651
Unjust discrimination prohibited	117	20	555
Unreasonable preference, unlawful	117	21	555
Violating, hay and grain inspection provisions, penalty.....	91	31	410
Warehouses, rules relating to, fixed by.....	91	12	401
RAILROAD COMMISSION:			
Act increasing powers—(see PUBLIC SERVICE).....	117	....	538
Appeals to, from grain grading	91	16	404

REAL PROPERTY.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
RAILROAD COMMISSION—CONTINUED:			
Appropriation for	117	106	610
additional	61	1	330
grain inspection	91	33	411
Continued as Public Service Commission	117	112	612
Fees for grain inspection fixed by	91	13	402
Grain and hay inspection—(see GRAIN AND HAY).....	91	....	398
grades fixed by procedure	91	12	402
inspection, Commission charge of.....	91	2	398
inspection and storage charges regulated by.....	91	10	401
Grain inspectors and weighers—			
employed by	91	9	401
charges against, investigation of.....	91	15	404
shipping facilities to order	91	25	407
Licenses for warehouses, issued by.....	91	18	405
Orders of, to be continued	117	111	612
Public Service Commission succeeds.....	117	107	610
Records of transferred to Public Service Commission.....	117	110	611
Side tracks and scales for grain-hay inspection to order.....	91	29	409
Warehouseman's bond fixed by	91	24	407
Warehouses—			
inspected by—(see WAREHOUSE).....	91	....	398
receipts, form of, fixed by.....	91	22	406
"RAILROAD COMPANY":			
Definition of, in Public Service Commission law.....	117	8	542
RANGERS:			
Forest, compensation of—(see LOGS AND LOGGING).....	125	7	629
who may be	125	7	629
RATING BUREAU:			
Business of—(see INSURANCE)	49	74	210
REAL PROPERTY:			
Abutting owner of, to cut weeds in road.....	60	1	328
Actions to quiet title to.....	83	1	383
Condemnation of, commercial waterway	11	14	27
County road, condemnation for	54	8	307
Definition of as to railroads	21	1	62
Easements over state lands	109	1	506
Elector, must own to vote at waterway election.....	11	5	17
Eminent domain, how exercised	64	1	335
Forcible entry and detainer, proceedings in.....	26	1	95
Highways—			
condemnation for	35	8	120
lands assessed for	35	10	123
Railroad operating property of ls.....	21	1	62
Regents to purchase for State College	113	1	516
School for Feeble-Minded, land purchased for.....	122	1	618
Commercial Waterway—			
commercial, tax levied on	11	29	36
owners, list of used to form.....	11	2	12
Port Districts—			
condemn by	92	4	418
owners may petition for improvement	92	10	424
Public Waterways—			
condemnation of	23	12	69
owners to petition for	23	3	65
Zones of, for assessments in cities.....	98	13	446

RECALL.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
RECALL—(see also ELECTIONS):			
Amendment proposing	108	1	504
notice of	108	2	505
printed on ballots	108	3	505
proclamation concerning	108	4	506
Cities may provide for	17	2	54
Officers in cities under commission plan	116	20	532
REFERENDUM—(see also ELECTIONS):			
Amendment to Constitution, proposing	42	1	136
Cities may provide for	17	2	54
under commission plan, to have	116	16	531
petition for, generally	116	22	536
REGISTRATION—(see ELECTIONS).			
REMINGTON & BALLINGER'S CODES:			
Amendments to—(see AMENDMENTS, REMINGTON & BALLINGER'S CODES).			
Citation of, authorized	7	2	8
Official compilation	7	1	8
RESOLUTIONS AND MEMORIALS:			
Alaska coal lands urged opened	H. J. M.	6	669
American citizens abroad, protection of urged	S. J. M.	8	665
Bellingham Armory, investigation of	H. J. R.	3	657
Canal between Port Townsend and Oak Bay urged	S. J. M.	6	663
Constitution of United States, amendment relative to income tax	S. J. R.	1	653
Fishing laws, conference with Oregon	S. J. R.	4	653
Fishing, protesting government control of	H. J. R.	2	656
Fort Walla Walla, site of, grant to Whitman College urged	S. J. M.	2	658
Horse Heaven Desert, land entrymen, time urged for	H. J. M.	7	670
Income tax, amending United States constitution relative to	S. J. R.	1	653
Increase of pensions urged	H. J. M.	14	673
Immigrants, restriction on, urged	H. J. M.	2	666
Irrigation Code ordered printed	H. C. R.	17	658
Mt. Rainier, urging appropriation for roads around	S. J. M.	5	661
Native material to be used in public building	S. J. R.	10	655
Pacific fleet urged	H. J. M.	9	671
Pensions, increase of urged	H. J. M.	10	672
Secretary of Interior, appeals from, relative to	S. J. M.	4	661
Skamania county, lands in, urged thrown open to public	H. J. M.	4	667
State roads No. 5 and No. 7 urged built by United States	H. J. M.	5	668
Tariff revision, memorial against	H. J. M.	15	674
Wenatchee bridge, recommending purchase of	S. J. R.	5	654
Whitman College, grant of Fort Walla Walla to urged	S. J. M.	2	658
RIGHTS-OF-WAY—(see also EMINENT DOMAIN):			
Chehalls and Cowlitz railroad, grant to	27	1	97
Cities, auxiliary water systems	98	5	442
Clearing, materials to be burnt, how	125	16	634
Common user of, over state lands	109	2	507
<i>Highways—</i>			
county may acquire for roads	54	8	307
to widen	54	10	307
ditches and drains for roads	35	13	126
permanent highway, how acquired	35	8	120
Waterways, cities may acquire	98	4	441
Logging roads, conditions of	109	3	507
State lands, reservations of	109	1	506
<i>Waterways—</i>			
commercial waterways, may acquire	11	7d	19
port districts	92	4	418
public waterways	23	8	68

SCHOOLS.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
RIVERS:			
Dams may be built in (see WATERS).....	95	1	436
ROAD DISTRICTS:			
Assessments of, for waterways	23	57	87
Debts of, after township organization.....	13	1	47
ROADS—(see HIGHWAYS).			
ROCK—(see QUARRIES).			
RODMAN:			
Wages of, how fixed	71	1	342
SACKS:			
State to make and sell (see PENITENTIARY).....	132	1	645
SAFETY APPLIANCES:			
Common carriers to provide (see PUBLIC SERVICE).....	117	66	580
SAFEGUARDS:			
Workmen's Compensation not to change law of.....	74	30	373
SAILORS:			
Special rates may be granted.....	117	18	552
SALMON—			
Provisions relative to taking (see FOOD FISHES).....	104	1	497
SCHOOLS:			
Bonds—			
how sold	88	1	390
interest on, how paid.....	88	3	392
sinking fund for.....	88	2	391
tax to pay interest, etc.....	88	2	391
treasurer to publish notice of redemption.....	88	4	393
<i>Certificates—</i>			
classification of	16	4	51
credits on foreign.....	16	3	51
registration, superintendent may refuse.....	16	1	50
renewal of	16	2	51
requirements for	16	4	51
County Treasurer—			
annual report of school funds.....	85	1	386
certify funds quarterly.....	85	1	386
register warrants, to.....	85	1	386
report finances to districts each month.....	85	1	386
treasurer of districts.....	85	1	386
Districts—			
elections, polling places of.....	107	1	503
how served in commercial waterway proceedings.....	11	13	26
party to proceeding to establish public waterway.....	23	56	87
assessments for constructing	23	57	87
Districts of the First Class—			
elections, registration, change of residence.....	106	4	502
registration, method of.....	106	2	501
required of all electors.....	106	1	501
territory divided into precincts.....	106	3	502
insurance fund—			
may create	79	1	378
levy for	79	2	378
treasurer to invest.....	79	3	378
kindergarten, may establish.....	82	1	382
registration of electors required in.....	106	1	501
voting places to be provided in.....	107	1	503
District of the Second Class—			
kindergarten may be established.....	82	1	382

SCHOOLS.

SCHOOLS—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
District of the Third Class—			
auditor to register, etc.....	78	1	377
Evidence of successful teaching, how shown.....	16	2	51
Free kindergartens may be established.....	82	1	382
Fund, current, apportioned bi-monthly.....	118	1	613
Funds, report on by county treasurer, monthly.....	85	1	386
Insurance, districts of first class may create fund for.....	79	1	378
Lands—			
assessed for commercial waterways	11	44	43
public waterways	23	57	87
Sinking fund, to draw interest.....	88	2	392
Teachers—			
certificates, classification of	16	4	51
credits from other states.....	16	3	51
good moral character required.....	16	1	50
Warrants, registry of, treasurer to keep.....	85	1	386
SEATTLE:			
Grain and hay inspection stations in.....	91	8	400
SEA WALLS—(see also WATERS):			
Port Districts may construct.....	92	4	418
SECRETARY OF STATE:			
Appropriation for office of.....	44	....	143
Attest deeds to capitol building lands.....	59	11	326
Constitutional amendments, to publish—			
county officers, succession of.....	22	2	63
initiative and referendum.....	42	2	139
recall of officers.....	108	2	505
Fees, reinstating corporations.....	41	2	135
SECRET SOCIETIES:			
Fraudulent use of name of, penalty.....	46	1	155
SECURITIES—(see BONDS).			
SERVICE:			
As applied to process (see SUMMONS).			
Defined in Public Service Commission Law.....	117	8	544
SHEPARD, C. E.:			
Appropriation for relief of.....	44	....	152
SHERIFF:			
Authority under game laws to make search.....	90	2	396
SHIPS:			
Definition—(see PUBLIC SERVICE)	117	8	545
SHIPPING:			
Regulation of—(see PUBLIC SERVICE).....	117	....	538
SHORE LANDS:			
Sale of certain—(see STATE LANDS)	36	1	130
SHUTT, R. D.:			
Appropriation for relief of.....	61	1	330
SILVER LAKE:			
Time and method of taking black bass or perch from.....	50	1	299
SKAGIT COUNTY:			
Appropriation for relief of.....	72	1	343
SKAGIT RIVER:			
Appropriation for bridge across.....	128	1	641
State Highway Commission to construct.....	128	2	641

STATE AUDITOR.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
SKAMANIA COUNTY:			
Judicial district with Cowlitz and Klickitat.....	129	1	642
Lands in, thrown open to settlement urged.....	H. J. M.	4	667
SLASHINGS:			
Closed season for burning—(see FORESTS).....	125	15	635
Trees, how to be fallen.....	125	16	635
SMITH, STEWART E.:			
Relief of	14	1	49
SNAKE RIVER:			
Fishing regulations on	104	1	498
SNOHOMISH COUNTY:			
Additional judge for.....	40	1	134
SOLDIERS:			
Pensions, increase urged.....	H. J. M.	10	672
Special rates may be given.....	117	18	552
Soldiers' home, who may enter.....	124	1	621
SPANISH-AMERICAN WAR VETERANS:			
Appropriation for graves of.....	44	....	152
SPECIAL ASSESSMENTS—(see ASSESSMENTS).			
SPOKANE:			
Grain and hay, inspection stations in.....	91	8	400
SPRINKLER INSURANCE:			
Classification of—(see INSURANCE)	49	83	217
STALLIONS AND JACKS:			
Advertisements to state registry of.....	99	5	486
Disqualification of	99	1	483
Fee for registry of.....	99	5	486
Licenses for, owner to keep posted.....	99	3	484
Pedigrees must be approved from national stud book.....	99	2	484
Pedigree to be registered.....	99	1	483
Penalties for violation of act relating to.....	99	6	487
Registry of	99	1	483
before sale or use.....	99	5½	487
Registry, forms of.....	99	4	484
Unsoundness, investigation of.....	99	7	487
STATE—(see also STATE LANDS):			
Control of fisheries by, confirmed.....	H. J. R.	2	656
Eminent domain by, procedure.....	64	1	335
Lands—			
assessed for commercial waterways.....	11	44	43
assessed for public waterways.....	23	57	87
classification of	36	1	129
may be condemned, procedure.....	64	1	335
Public waterways, made party in proceeding to establish.....	23	36	81
Right-of-way, grants by, conditions	109	2	507
Rivers, beds of, granted for dams.....	95	1	436
Water of, improvement by port district.....	92	4	419
STATE AUDITOR:			
Appropriation, for office of.....	44	....	143
for traveling expenses on highway board.....	70	1	342
Counties taxed by, to cover cost of auditing account.....	30	1-8356	109
Licenses to aliens to carry firearms by.....	52	1	303
Report of depositary filed with.....	51	5	301
State inspectors of public accounts appointed by.....	30	1	109

STATE BANK EXAMINER.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
STATE BANK EXAMINER :			
Appropriation for office of.....	44	....	147
STATE BOARD OF CONTROL :			
Appropriation for office of.....	44	....	145
Grain sacks, to manufacture and sell.....	132	....	....
Land for Home for Feeble-Minded, to purchase.....	122	1	618
Rules to be established by, relative to Soldiers' Home.....	124	1	621
School for Blind, to construct.....	58	1	318
STATE BOARD OF EDUCATION—(see EDUCATION ; SCHOOLS).			
STATE BOARD OF FINANCE :			
Depository for Land Commissioner, to select.....	51	2	300
Interest rate fixed by, on deposits.....	51	4	301
Interest rate fixed by, on deposits.....	51	4	301
STATE BOARD OF FOREST COMMISSIONERS :			
Relating to powers and duties (see FORESTS).....	125	....	623
STATE BOARD OF HEALTH :			
Appropriation for office of.....	44	....	146
STATE BOARD OF TAX COMMISSIONERS :			
Appropriation for office of.....	44	....	145
Assessment to meet with.....	12	1	46
STATE BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICERS :			
Appropriation for office of.....	44	....	150
Counties liable for costs of auditing.....	30	1	109
Examiners, salaries.....	30	1	109
Expenses of, how paid.....	30	1	109
Inspectors, State Auditor to appoint.....	30	1	109
Officers must keep accounts.....	30	1	108
STATE CAPITOL :			
Act relating, purpose of.....	59	1	319
Appropriation for.....	59	1g	321
Appropriation of proceeds from lands.....	59	8	324
Appropriation, remove old building and repair sheds.....	61	1	330
all expenditures authorized, total, limit on.....	59	13	327
Bonds for—			
interest on.....	59	4	322
paid out of general fund.....	59	7	324
place of payment.....	59	4	322
principal and interest, guaranteed, when.....	59	5	323
Buildings to be fireproof.....	59	1f	321
Capitol Commission to select plans for.....	59	1e	320
Capitol Place, lands to be acquired for.....	59	1b	319
Commission—			
accounts, how paid.....	59	6	324
call for and let bids for Temple of Justice.....	59	3	321
employ architects, etc.....	59	12	326
issue bonds.....	59	2	321
may sell or lease capitol building lands.....	59	9	325
Group of buildings for.....	59	1c	319
Lands—			
conveyance of.....	59	11	326
may be sold or leased.....	59	9	325
place of sale.....	59	10	326
Temple of Justice, purposes of.....	59	1d	320

STATE CAPITOL COMMISSION—(see STATE CAPITOL).

STATE HIGHWAY COMMISSION.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
STATE COLLEGE:			
Appropriation for	44	....	149
Fund to support.....	69	2	340
Tax levy for.....	69	4	340
Regents may acquire additional land.....	113	1	516
Stallions and jacks—			
licensing of	99	4	484
registry, enforcement of.....	99	8	487
STATE COMMISSIONER OF HORTICULTURE:			
Appropriation for	44	....	146
Duties of—(see HORTICULTURE)	112	2	513
Headquarters moved to Tacoma.....	112	1	513
STATE DAIRY AND FOOD COMMISSIONER:			
Appropriation for office of.....	44	....	146
STATE FIRE WARDEN:			
Appropriation for office of.....	44	....	147
Duties of—(see STATE FORESTER)	125	4	625
STATE FISH COMMISSIONER—(see FOOD FISHES; GAME):			
Appropriation for office of.....	44	....	147
STATE FORESTER—(see FORESTS; LOGS AND LOGGING):			
Accounts of wardens to be approved by.....	125	5	628
Appointment of	125	3	624
Assistants, appointed by.....	125	4	624
Burning permits, revoked by.....	125	8	630
Co-operate with other states, nations or U. S. government.....	125	4	625
Duties of, generally.....	125	4	625
Expenses of, how paid.....	125	3	624
Fire warnings, to furnish.....	125	4	626
Forest service, may assemble, when.....	125	4	625
Information published by.....	125	4	626
Logged-off land, investigated by.....	125	5	627
Maps of state lands to be prepared by.....	125	4	626
Reforestation, to investigate.....	125	4	626
Salary of board, to fix.....	125	3	624
Secretary of board.....	125	4	625
Wardens appointed at request of county.....	125	5	628
STATE FORESTS—(see LOGS AND LOGGING).			
STATE GRAIN INSPECTOR—(see also WAREHOUSES):			
Cars containing hay or grain examined by.....	91	28	408
Certificates of inspection by.....	91	14	403
Charges against, hearings on.....	91	15	404
Deputies appointed by.....	91	4	399
Estimate of crops furnished Board of Control.....	132	4	646
Fees turned into state treasury.....	91	29	410
Grain or hay inspected on request, by.....	91	26	408
Improper conduct of.....	91	7	400
Not to be interested in business.....	91	6	400
Railroad Commission to appoint.....	91	3	399
Records of inspection and shipments kept by.....	91	14	403
Rules and grades to be published by.....	91	12	402
Sample of grains furnished by.....	91	27	408
Scales to be tested annually.....	91	29	409
Warehouse, may enter to examine hay or grain.....	91	20	405
STATE HIGHWAY COMMISSION:			
Appropriation, traveling expenses of.....	70	1	341

STATE HIGHWAY COMMISSIONER.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
STATE HIGHWAY COMMISSIONER :			
Appropriation for office of.....	70	1	341
Approve of plans for permanent highway—(see HIGHWAYS) ..	35	7	120
Build bridge across Lewis river.....	81	1	380
across Skagit river	128	2	641
Convicts, to employ.....	114	1	517
Rock quarries, to take charge.....	114	1	517
Salary of	47	1	157
Superintendent of quarries, to be appointed by.....	114	1	520
STATE HISTORICAL SOCIETY :			
Appropriation for	44	....	152
STATE HORTICULTURAL COMMISSIONER :			
Appropriation for office of.....	44	....	146
Duties of—(see HORTICULTURE)	35	2	513
STATE HOTEL INSPECTOR :			
Appropriation for office of.....	44	....	147
STATE INSTITUTION FOR FEEBLE-MINDED :			
Appropriation for	44	....	149
additional land for.....	122	2	618
STATE INSURANCE COMMISSIONER :			
Appropriation for office of.....	44	....	146
Duties of—(see INSURANCE)	49	....	161
STATE LABOR COMMISSIONER—(see also LABOR) :			
Appropriation for office of.....	44	....	145
STATE LANDS :			
Assessed for waterways	23	57	87
Capitol building lands—(see STATE CAPITOL).....	59	....	319
Commercial waterways, shore lands donated to.....	11	8	21
Conservation of—(see LOGS AND LOGGING)	125	....	624
Cruisers to be forest rangers.....	125	7	629
Donation for forest purposes, control of.....	125	2	624
Granted lands, definition of.....	36	1	129
<i>Harbor Areas—</i>			
defined	36	1	130
may be leased for booming purposes.....	86	1	388
rights-of-way over, holder to be common carrier.....	109	2	507
Materials of, right to be transported.....	109	3	507
Relief of C. A. Ives, on.....	110	1	509
<i>Rights-of-Way—</i>			
forfeiture for failure to transport products.....	109	4	508
grantee to be common carrier.....	109	3	507
grants, conditions of.....	109	2	507
over, reserved	109	1	506
regulation of carriers using.....	109	5	509
Rights-of-way for waterways granted.....	11	7c	20
<i>Shore Lands—</i>			
dedicating street over certain, in Lake Washington.....	94	1	425
easements granted to build certain structures.....	95	1	436
grants of, to commercial waterway districts.....	11	8	21
river beds, easements in.....	95	1	436
waterways, commercial	11	8	21
defined	36	1	130
State Forester to prepare maps of.....	125	4	628
<i>Tide Lands—</i>			
leases, assessed for local improvements.....	98	56	478
rights-of-way over, holder to be common carrier.....	109	3	507
sale of, to extreme low tide preference rights.....	36	2	130
defined	36	1	130
Timber removed from, when.....	130	1	643
Wardens to prevent trespass on.....	125	5	627

STATE TREASURER.

STATE LAND COMMISSIONER—(see COMMISSIONER OF PUBLIC LANDS) :			
Appropriation for office of.....	44	....	144
STATE LAW LIBRARY :			
Appropriation for office of.....	44	....	145
Located in Temple of Justice.....	59	10	320
STATE LIBRARY :			
Appropriation for office of.....	44	....	145
STATE MINE INSPECTOR :			
Appropriation for office of.....	44	....	147
additional	63	2	334
May appoint a deputy.....	63	1	333
Member of commission to investigate mines.....	123	2	619
Qualifications of	63	1	333
Salaries of inspector and deputy.....	63	1	333
Regulate storage of explosives	65	1	336
Term of office.....	63	1	333
Traveling expenses	63	1	333
STATE NORMAL SCHOOL AT BELLINGHAM :			
Appropriation for	44	....	149
relief of	61	1	331
STATE NORMAL SCHOOL AT CHENEY :			
Appropriation for	44	....	150
STATE NORMAL SCHOOL AT ELLENSBURG :			
Appropriation for	44	....	149
STATE OIL INSPECTOR :			
Appropriation for office of.....	44	....	146
STATE PENITENTIARY :			
Appropriation for	44	....	148
Grain sacks, sale of (see PENITENTIARY)	132	....	645
STATE REFORMATORY :			
Appropriation for	44	....	149
STATE ROADS—(see HIGHWAYS).			
STATE SCHOOL FOR THE BLIND :			
Appropriation for	44	....	148
building for	58	1	318
STATE SCHOOL FOR THE DEAF :			
Appropriation for	44	....	148
STATE SOLDIERS' HOME—(see also SOLDIERS' HOME) :			
Appropriation for	44	....	148
Who may be admitted to.....	124	1	621
STATE TRAINING SCHOOL :			
Appropriation for	44	....	148
Chehalls & Cowlitz Railroad to build spur track to.....	27	1	97
County road over lands of.....	27	1	97
Grant of right-of-way over lands of.....	27	1	97
STATE TRAVELING LIBRARY :			
Appropriation for office of.....	44	....	145
additional	61	1	330
STATE TREASURER :			
Appropriation for office of.....	44	....	144
for traveling expenses on highway board.....	70	1	342
Bond of depositary filed with.....	51	3	300
Fees for grain inspection paid to.....	91	13	403

STATE TREASURER.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
STATE TREASURER—CONTINUED :			
Guarantee fund deposited with	49	198	272
Insurance securities deposited with	49	24	188
Interest on Capitol Building Bonds, payment by.....	59	7	324
Scale Inspection fees transmitted to.....	91	29	410
Workmen's Compensation fund, investment of.....	74	5	359
STATE UNIVERSITY—(see UNIVERSITY OF WASHINGTON).			
Appropriation for	44	....	149
Street grant over	94	1	428
Tax for support of	69	4	340
STATE VETERANS' HOME :			
Appropriation for	44	....	149
STATE VETERINARIAN :			
Appropriation for office of.....	44	....	146
STATUTES—(see LAWS).			
STEAMBOAT COMPANY :			
Definition in Public Service Commission Law.....	117	8	545
Special rates, allowed to make.....	117	14	550
STEAM BOILER INSURANCE :			
Classification of—(see INSURANCE)	49	83	217
STEVENS COUNTY :			
Jurisdiction over territory of Pend Oreille until organized.....	29	13	104
Pend Oreille created from.....	28	1	98
Taxes levied by, in Pend Oreille county, to be collected by.....	28	3	102
STINRUD, JOHN E. :			
Appropriation to pay judgment of.....	44	....	150
STOCK—(see ANIMALS).			
STOCK COMPANY :			
Regulation of—(see PUBLIC SERVICE).....	117	....	538
STOCKHOLDERS :			
Liability of	80	1	379
STOKES, JOHN :			
Appropriation to pay judgment of.....	44	....	150
STONE QUARRIES :			
Operation for road purposes—(see HIGHWAY).....	73	1	343
STREET RAILROAD COMPANY :			
Definition of, in Public Service Commission Law.....	117	8	542
STREET RAILWAYS :			
Cars to have brakes, etc.—(see PUBLIC SERVICE).....	117	66	580
Construction on permanent highways prohibited.....	35	16	127
Definition of, in Public Service Commission Law.....	117	8	542
Five cent fares and transfers, limited to.....	117	25	558
Operating property to be assessed as personal.....	21	1	62
Transfers must be given	117	25	558
SUMMONS—(see also ACTIONS) :			
Actions to quiet title, publication of.....	83	1	384
Cities, local improvements (see CITIES).....	98	....	441
<i>Commercial Waterways—</i>			
form of	11	13	25
new parties brought in.....	11	19	31
parties sought to be included.....	11	31	38
Corporations, how served.....	29	1	106
Forcible entry and detainer, notice.....	26	1	95
Garnishments, writ, how served.....	126	3	637

TAXATION.

SUMMONS—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
<i>Commercial Waterways—</i>			
Insurance companies, how served	49	222	288
Public Service Commission, how given by.....	117	80	592
<i>Public Waterways—</i>			
form of	23	29	75
how served	23	12	69
new, given when.....	23	31	78
Tax sales—(see LOCAL IMPROVEMENTS; TAXATION; WATERWAYS).			

SUPERINTENDENT OF PUBLIC INSTRUCTION :

Appropriation for office of.....	44	....	144
Apportion funds every two months.....	118	1	613

SUPERIOR COURTS :

Appropriation for	44	....	144
Judges, nomination of—(see ELECTIONS)	101	1	489
Jurors in—(see JURORS)	57	....	314
Venue, change of—(see COURTS, <i>superior</i>)	121	2	617

SUPREME COURT :

Appropriation for	44	....	143
Clerk to be secretary of board, admit attorneys.....	48	2	159
Decisions, appropriation to print.....	44	....	152
Judges—			
nomination of—(see ELECTIONS)	101	1	489
number elected	119	1	613

SWINE :

Not permitted at large.....	25	5	94
-----------------------------	----	---	----

TACOMA :

Grain and hay inspection stations in.....	91	8	400
State Horticultural Commissioner's office in.....	112	1	513

TARIFF :

Revision of, memorial against.....	H. J. M.	10	674
------------------------------------	----------	----	-----

TAXATION—(see also ASSESSMENTS; CITIES; LOCAL IMPROVEMENTS) :

Assessors to hold annual convention.....	12	1	46
Certificates of delinquency to include local assessments.....	98	40	467
Cities, local improvements—(see CITIES, <i>Local Improvements</i>)	98	....	441
Cities first class, assessments for viaducts.....	103	1	494
other than first class, for irrigation	111	4	512
<i>Commercial Waterways—</i>			
annual tax, maintenance levy for.....	11	33	39
assessments for constructing.....	11	28	35
assessments, cost of attempted organization.....	11	29	36
sinking fund, levy for.....	11	38	41
Counties liable for costs of auditing accounts in.....	30	1-8356	109
Drainage, assessment to cover cost of construction.....	97	2	439
Fishtraps, etc., deemed personal property	24	1	90
Highways—(see HIGHWAYS)	35	....	118
Inheritance tax, rate of.....	19	1	60
Levy of higher institution of education	69	4	340
Levy for roads after township organization.....	13	2	48
Certificates of delinquency—(see CITIES).....	98	36	465
Local assessments	98	36	465
Local, for water in cities.....	111	3	511
Permanent highways, assessment for.....	35	10	123
Permanent highway levy.....	35	14	126
<i>Personal Property—</i>			
collection without notice, when.....	24	2	92
distrain and sale of.....	24	2	91
fishtrap, how distrained.....	24	2	91

TAXATION.

TAXATION—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Personal Property—			
interest on delinquent tax.....	24	2	91
insurance liable for tax on.....	24	3	92
notice of removal required.....	24	4	92
notice of tax due.....	24	2	90
railroad rolling stock, property is.....	21	1	62
timber, how distrained.....	24	2	91
time of payment on.....	24	2	90
Port district tax, limit.....	92	4	419
Public highway fund, levy for.....	53	1	303
Public Waterways—			
assessments for, added to taxes.....	23	30	81
assessments in, authorized.....	23	25	74
Railroad properties, how classified.....	21	1	62
Sales, cities may bid in.....	98	63	479
delinquent assessments in cities.....	98	25	457
for delinquent assessments, certificate of.....	98	27	458
deeds issued, when.....	98	33	462
Schools, districts of first class may levy, for insurance.....	79	2	378
Street railways, operating property assessed as personal.....	21	1	62
Timber standing, personal property.....	24	1	90
Townships—			
manner of assessment in.....	34	1-9400	116
road and bridges fund, how expended.....	34	1-9339	114
TEACHERS :			
Certificates, classification of—(see EDUCATION).....	16	4	51
TELEGRAPH AND TELEPHONES :			
Definitions concerning.....	117	8	544
Regulation of service—(see PUBLIC SERVICE).....	117	35	562
TEMPLE OF JUSTICE :			
Appropriation to build—(see STATE CAPITOL).....	59	3	322
TERMINAL FACILITIES—(see WAREHOUSES ; PUBLIC SERVICE ; WATERS) :			
Port district may regulate.....	94	4	418
TERMINAL WAREHOUSE :			
Defined.....	91	1	398
THURSTON COUNTY :			
Actions against public service companies brought in.....	117	93	605
Public service penalties collected in.....	117	98	607
TIDE LANDS :			
Classification and sale of—(see STATE LANDS).....	36	1	130
Leases, assessed for local improvements.....	98	56	476
Rights-of-way over, grantee to be common carrier.....	109	3	507
TIMBER :			
Fires, protection from—(see FORESTS).....	125	....	623
Removed from state lands when.....	130	1	643
Standing deemed personal property for taxation.....	24	1	90
TIMBER CRUISERS :			
State rangers to be when.....	125	7	629
TITLE INSURANCE :			
Formation of company, requirements—(see INSURANCE).....	49	197	271
TOBACCO :			
Minor using penalty.....	133	1	649
Sale or gift to minors, penalty.....	133	1	649

UNIVERSITY OF WASHINGTON.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
TOPOGRAPHIC SURVEY:			
Appropriation for	44	....	153
TOWNSHIPS:			
Actions by or against, electors to direct.....	34	1-9339½	113
Assessments, how made.....	34	1-9400	115
Assessors of to meet with county assessor.....	34	1-9400	116
Cemeteries, authorized to create.....	34	1-9339½	114
County engineers to give notice of road changes in.....	34	1-9368	115
Dogs may be licensed in.....	34	1-9339½	114
Estrays, disposition or sale of.....	34	1-9414	116
Former road debts, how paid.....	13	1	47
Libraries authorized in.....	34	1-9339½	114
Number of pound-masters.....	34	1-9339½	113
Officers of, electors to select.....	34	1-9939½	113
Penalties collected by, how used.....	34	1-9339½	113
Penalties may be imposed by.....	34	1-9339½	113
Police judge in, how selected.....	34	1-9368	114
Pound-master, fees and duty of.....	34	1-9414	116
Powers of electors enumerated.....	34	1-9339½	113
Printing for, estimate of.....	34	2	117
Stock at large, limits for.....	34	1-9339½	113
Supervisors, powers and duties of.....	34	1-9368	114
Supplies, how furnished.....	31	3	117
Tax levy for former road work.....	13	2	48
Tax for former work, how collected.....	13	3	48
Taxes, for roads and bridges, how levied and expended.....	34	1-9339½	113
TOY PISTOLS:			
Sale to minors prohibited.....	133	1	650
TRAIN CREWS—(see also RAILROADS):			
Freight train, what constitutes.....	134	2	651
Passenger train, what constitutes.....	134	1	650
TRANSPORTATION OF PERSONS:			
Defined in Public Service Commission Law.....	117	8	544
TRANSPORTATION OF PROPERTY:			
Defined in Public Service Commission Law.....	117	8	544
TREES—(see LOGS AND LOGGING).			
TROY, P. M.:			
Appropriation for relief of.....	44	....	153
TRUST COMPANIES:			
How formed.....	105	1	499
UNITED STATES:			
Agents of, special rates to.....	117	18	552
Control over fisheries denied.....	H. J. R.	....	656
Joint action by, on geological surveys.....	44	....	153
Navigable waters of may be improved by port districts.....	92	4	419
Rangers of to be state rangers.....	125	7	629
State Forester may co-operate with.....	125	4	625
Waterways improved with consent of.....	11	7d	19
UNIVERSITY OF WASHINGTON:			
Appropriation for.....	44	....	149
Fund for support of.....	69	2	340
tax levy for.....	69	4	340
Street, dedication over lands of.....	94	1	428
franchise on.....	94	4	435
grant includes slopes and fills.....	94	3	434
no assessment for opening.....	94	2	434

VENUE.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
VENUE:			
Actions against public service companies—(see PUBLIC SERVICE)	117	93	538
Change of on prejudice of judge.....	121	2	617
VESSEL:			
Defined in Public Service Commission Law.....	117	8	545
Publication of tariff schedules may be suspended as to.....	117	14	550
VETERANS:			
Pension increase for urged.....H. J. M		10	672
VETERANS' HOME:			
Appropriation for additional land for.....	61	1	330
General appropriation	44	....	149
VETERANS INDIAN WAR:			
Appropriation to pay.....	127	1	640
VIADUCTS:			
Approaches to defined.....	103	1	494
Cities may build.....	103	1	494
Council to order, vote necessary.....	103	1	495
Special assessments for—(see CITIES)	98	6	442
VON ESCHEN, GEO.:			
Appropriation for relief of.....	61	1	330
VOTERS—(see ELECTIONS).			
WAHIAKUM COUNTY:			
Judicial district with Pacific.....	131	2	644
WALLER, O. L.:			
Appropriation for relief of.....	61	1	330
WAR VETERANS, INDIAN:			
Appropriation to pay.....	127	1	640
WARDENS, FOREST:			
Duties of—(see FORESTS)	125	6	628
Office at county seat.....	125	5	627
Salary of	125	5	627
WARDEN, GAME—(see also GAME):			
<i>Ex-officio</i> forest rangers	125	7	629
Premises may be searched for, seizure.....	90	2	393
WAREHOUSES—(see also GRAIN AND HAY):			
Act creating, Commission to regulate—(see PUBLIC SERVICE).	117	....	538
Appropriation for hay and grain inspection.....	91	33	411
Bond to be given by	91	24	407
Bonds of inspectors, etc., filed with Secretary of State.....	91	5	400
Cars to be inspected	91	28	408
Chief cities as places of inspection	91	8	400
"Commission" refers to Railroad Commission.....	91	1	398
Constitutionality of act, effect of.....	91	32	411
Damages, liability for in refusal to deliver goods.....	91	23	407
Definition of	91	1	398
Definition of in Public Service Commission law.....	117	8	546
Deliveries to be made on demand.....	91	23	406
Deputy grain inspectors, appointment of	91	4	399
Discrimination by prohibited, receipts.....	91	22	406
Examination of grain or hay stored in right to.....	91	20	405
Fees for weighing and inspection of hay and grain, how fixed..	91	13	402
Grain grading, appeals to Railroad Commission in.....	91	16	404
Grain grades, method of fixing.....	91	12	401
Grain and hay, reinspected, fee for.....	91	17	404

WATER.

WAREHOUSES—CONTINUED :	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Grain inspection, certificates of given by inspectors.....	91	14	403
Grain inspector, how appointed	91	3	398
Grain shipping facilities to be provided.....	91	25	407
Hay and grain grades to be posted in.....	91	12	402
Hay, inspecting and weighing in charge of Railroad Commission.	91	2	398
Inspection charges fixed by Railroad Commission.....	91	10	401
method of	91	11	401
Inspection of grain at non inspection points.....	91	26	408
Inspectors to keep record of inspections and shipments.....	91	14	403
Inspectors or officers not to be interested in business	91	6	400
License to operate, fee.....	91	18	405
Misconduct of officers	91	7	400
Penalty for violating act relating to.....	91	31	410
Police protection for hay and grain, to provide.....	91	30	410
"Public Warehouse" defined	91	1	398
Railroad Commission—			
to employ inspectors of.....	91	9	401
hear charges against inspectors.....	91	15	404
inspection by.....	91	24	407
Rates of—			
method of fixing	91	11	401
posted	91	19	405
must be uniform	91	21	405
Receipts to be issued by.....	91	22	408
Report of, made annually.....	91	24	407
Samples of grades of grain, sent to whom.....	91	27	408
Scales tested annually.....	91	29	409
fee for.....	91	29	410
Side tracks for grain inspection to be provided.....	91	29	409
Terminal defined	91	1	398
Warehouseman, includes what.....	91	1	398
defined in Public Service Commission law.....	117	8	548
 WASHINGTON STATE HISTORICAL SOCIETY :			
Appropriation for	61	1	331
 WASHINGTON STATE COLEGE—(see STATE COLLEGE) :			
Appropriation for	44	....	149
Fund for support of.....	69	2	340
Tax levy for	69	4	340
 WATER—(see also WATERWAYS) :			
Auxiliary systems for cities.....	98	5	442
Canal between Pt. Townsend and Oak Bay urged.....S. J. M.	6		663
Canals, port districts, may construct.....	92	4	418
Cities—			
acquire for irrigation	111	1	510
construct water ways	98	4	441
dike, etc., by local improvement plan.....	98	17	450
install system by local improvement	98	3	441
irrigation, etc., council to fix rentals.....	111	5	512
lease wharves	67	1	338
sell surplus	111	6	512
Dams across rivers authorized.....	95	1	436
Drainage districts, reorganization of (see Drainage).....	97	....	439
Ferries, port districts may operate.....	92	4	418
Fish, streams stocked with, protection.....	90	4	397
Harbor areas may be leased for booming purposes.....	89	1	388
Irrigation code ordered printed.....H. C. R.	17		658
Irrigation, desert land entrymen, time asked for.....H. J. M.	7		670
Irrigation, cities may acquire water for.....	111	1	510
Jetties, port districts may construct.....	92	4	418

WATER.

WATER—CONTINUED:	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Locks, port districts may construct.....	92	4	418
Navigation, paramount in.....	95	1	436
Rates for—			
changes in, notice of to Commission.....	117	28	559
filed with Commission.....	117	27	558
special to employees, state, etc.....	117	29	560
Rates and regulation to be reasonable.....	117	26	558
Regulation of service in (see PUBLIC SERVICE).....	117	.....	.....
Rivers, dams in authorized.....	95	1	436
Tidal basins, port districts may construct.....	92	4	418
Tide lands, new definition of.....	36	1	130
Unreasonable preference in service of, prohibited.....	117	30	560
Wharves, port districts may construct.....	92	4	418
“WATER COMPANY”:			
Definition in Public Service Commission law.....	117	8	545
WATER POWER—(see also PUBLIC SERVICE)	117	.....	538
“WATER SYSTEM”:			
Definition of in Public Service Commission law.....	117	8	545
WATERWAYS:			
Benefits, auditor to extend on tax rolls.....	11	28	34
Bonds—			
aid of United States interest on.....	3	1	4
issued for.....	3	1	4
Cities of first class may let wharfs.....	67	1	338
<i>Commercial—</i>			
actions, additional parties, damages allowed.....	11	15	29
actions, adverse claimants, how brought in.....	11	18	30
appropriate lands—award of damages.....	11	14	27
notice of.....	11	13	25
change of ownership, new parties.....	11	22	32
court may compel proceedings, authorized.....	11	48	44
findings of jury conclusive.....	11	24	32
jury to make separate findings.....	11	43	43
minors, how served.....	11	23	32
municipalities made parties.....	11	44	43
new trial, procedure.....	11	21	31
appeals to Superior Court.....	11	20	31
to Supreme Court.....	11	24	33
assessments, amount to be ordered paid.....	11	28	35
benefits, extended to tax rolls.....	11	28	34
benefits, interest on delinquent.....	11	28	35
maintenance of waterway.....	11	33	39
pay cost of attempt to organize.....	11	29	36
pay interest on bonds.....	11	40	42
public property.....	11	45	43
sinking fund.....	11	38	41
subsequently brought in lands, how used.....	11	20	31
when payable, notice of.....	11	28	35
beds and shores of waterways, granted to.....	11	8	21
sale or exchange of.....	11	8	21
benefits—clerk to certify judgment of to auditor.....	11	28	34
jury to determine.....	11	21	31
bids for construction, notice of.....	11	30	36
bonds, assessment to pay interest on.....	11	40	42
may be exchanged for warrants.....	11	37	41
interest on.....	11	36	41
negotiable, authorized.....	11	35	40
payment, order of.....	11	39	41
registry of.....	11	41	42

WATERWAYS.

WATERWAYS—CONTINUED :

<i>Commercial—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
bonds, sinking fund for	11	38	41
boundaries, changes in how authorized.....	11	3	14
extension of, cost.....	11	3	15
buildings, damages to, measure of.....	11	17	29
canals, etc., may be built by.....	11	7c	19
changes in route of waterway, procedure.....	11	31	37
cities may appropriate funds to assist.....	11	9e	23
city may join in creating.....	11	9b	22
claims against contractor must be filed when.....	11	30	37
claims against, warrants issued for.....	11	34	40
commissioners of, bond required.....	11	5	17
compensation of.....	11	47	43
notice of claim for.....	11	47	44
duties of.....	11	1	12
election of.....	11	4	16
how organized.....	11	34	40
term of office.....	11	5	17
vacancy in office of, how filled.....	11	10	24
conflicting claims to lands taken, how determined.....	11	27	34
construction of works, contract for.....	11	30	36
contract for construction, how let.....	11	30	36
contractor, to give bond.....	11	30	36
contractor paid as work progresses.....	11	32	39
county may join in creating.....	11	9a	22
county may pay for benefit to roads and bridges.....	11	9d	23
damages, additional parties.....	11	15	29
building and land separate, when.....	11	18	30
buildings, measure of.....	11	17	29
how assessed.....	11	14	27
election to establish.....	11	4	15
notice of.....	11	4	16
officers of, compensation.....	11	6	18
when held.....	11	6	18
who may vote.....	11	5	17
eminent domain, power of.....	11	7a	19
award in, held by court pending appeal.....	11	24	33
engineers, etc., employment of.....	11	12	25
establishment, districts, validated to continue.....	11	50	45
establishment of, jury to make findings.....	11	43	43
municipalities made parties.....	11	44	43
proceedings heretofore had, validated.....	11	49	45
formed, districts may be.....	11	1	12
indebtedness, bonds may be used for.....	11	35	40
interest on bonds.....	11	36	41
warrants for.....	11	34	40
injunctions, provisions enforced by.....	11	48	44
interest on bonds.....	11	36	41
assessments for.....	11	40	42
rate of on warrants.....	11	34	40
interest on warrants commences when.....	11	42	42
judgment, effect of.....	11	28	34
jury to determine damages.....	11	14	28
jury may view lands.....	11	16	29
lands benefited to be included.....	11	19	30
lands left out, how included.....	11	3	14
maintenance, cost of assessment for.....	11	33	39
minors, how served.....	11	23	32
new parties, proceedings.....	11	22	32
obligations of, validated.....	10	1	10

WATERWAYS.

WATERWAYS—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
<i>Commercial—</i>			
officers of board	11	34	40
order of appropriation when issued	11	25	33
payments for construction, when paid.....	11	32	39
petition to appropriate lands for waterway.....	11	11	24
petition, bond to accompany	11	2	13
forming, requirements of	11	2	12
hearing on, notice	11	3	13
proceeding to establish, dismissed when.....	11	26	34
levy to pay costs of.....	11	29	36
process, service of, fees.....	11	46	43
rights-of-way for	11	7d	19
over state land	11	7e	20
routes, changes in, procedure.....	11	31	37
sinking fund to redeem bonds.....	11	38	41
state may join in creating.....	11	9c	22
sue and be sued.....	11	1	12
summons in action to appropriate land, service of.....	11	13	25
sureties on bond, liable, when.....	11	30	37
trial, jury to make separate findings.....	11	43	43
validation of	11	49	45
validating acts, former not abrogated.....	11	50	45
warrants, call for.....	11	42	42
interest on, commences when.....	11	42	42
may be issued to pay claims.....	11	34	40
waterways may be improved by.....	11	7b	19
Counties may assist in building.....	3	1	4
Counties of first class may issue bonds for.....	3	1	4
election to determine.....	3	3	5
may join in	3	1	3
Docks, port districts may construct.....	92	4	418
Lake Washington canal, continuing appropriation.....	45	1	153
Logging roads over to be common carrier.....	109	3	507
<i>Port Districts—</i>			
act authorizing is cumulative.....	92	14	426
annual tax not to exceed two mills.....	92	4	419
<i>assessments—</i>			
annual for general improvements.....	92	4	419
improvements	92	4	418
special appeals from	92	10	425
local improvement	92	10	424
authorized, objects of	92	1	412
bonds may be issued by.....	92	4	420
<i>commission of—</i>			
election	92	3	416
eligibility of, term of office.....	92	3	414
minor officers, commission to appoint.....	92	5	421
vacancy in office, how filled.....	92	3	415
contracts to be let for work done.....	92	5	421
bids for	92	5	421
deposit with	94	5	421
control of water in, granted to.....	92	4	419
cost of improvement when electors to pass upon.....	92	9	423
district to own improvement made.....	92	8	423
election to adopt port plans	92	6	422
annual notice of.....	92	3	416
formation of, election, petition for.....	92	2	412
funds for districts, created.....	92	13	426
harbor improvements by.....	92	4	418
plans for construction must follow.....	92	7	423
election to adopt.....	92	6	422

WATERWAYS.

WATERWAYS—CONTINUED :

<i>Port Districts—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
indebtedness may create	92	12	426
improvements—			
certain to be voted on.....	92	9	423
local districts formed for.....	92	10	424
improvement district to control.....	92	8	423
improvements, plans for, must be followed.....	92	7	423
local improvement—			
districts created	92	10	424
one-half paid from general fund.....	92	11	425
notice of election to establish.....	92	2	413
officers of	92	5	420
port commissioners, organization of.....	92	5	420
powers of districts.....	92	4	418
“Port of—Fund” created.....	92	13	426
sinking fund from, leases.....	92	4	420
tax, annual not to exceed two mills.....	92	4	419
terminal facilities, regulated by.....	92	4	418
wharves leased by.....	92	4	420
 <i>Public Waterway District—</i>			
act cumulative	23	64	89
enforcement of	23	66	90
appeals from proceedings	23	58	87
assessment, appeal, effect of.....	23	34	79
assessments attach to land until paid.....	23	43	82
collection of, report on.....	23	44	82
commissioners, compensation of, how paid.....	23	26	75
commissioners to make.....	23	25	74
commissioners, oath of	23	26	75
to report when.....	23	28	76
to view property.....	23	27	75
damages	23	25	74
commissioners to determine	23	25	74
deducted from benefits	23	28	76
hearing on, notice of.....	23	29	76
new, given when	23	31	78
proof of service of notice.....	23	30	78
improvement, how made.....	23	27	75
installments, may be paid at any time.....	23	41	82
interest on	23	39	81
interest to be included in installments.....	23	42	82
interest on, property in appeal.....	23	35	80
invalidity cured by re-assessment.....	23	51	85
judgment may be used to pay.....	23	59	88
liens	23	39	81
notice of	23	36	80
objections to, how filed.....	23	32	78
payment of without interest.....	23	37	80
record of	23	38	81
record of, notice of.....	23	40	82
property taken, paid by.....	23	25	74
report of commission, roll.....	23	28	76
roll, amended when.....	23	33	79
certified to treasurer	23	35	79
awards, unclaimed, revert to road fund.....	23	62	89
bids, deposit to accompany	23	52	86
bonds, authorized when.....	23	45	83
description of, interest on.....	23	46	83
interest on, treasurer to pay.....	23	49	84
payment, call for	23	49	84
payment, how enforced	23	50	84

WATERWAYS.

WATERWAYS—CONTINUED :

<i>Public Waterway District—</i>	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
bonds, sale of, notice.....	23	48	84
section 50 of act to be printed on.....	23	50	84
sold for face value.....	23	47	84
claims against, how paid	23	54	86
commissioner to construct waterway	23	52	85
condemnation, judgment awarded in, may offset assessment..	23	59	88
condemnation proceedings—			
adverse claimants must interplead.....	23	18	72
all parties interested to be determined.....	23	15	71
separate judgments entered when.....	23	18	71
assessment for cost of.....	23	25	74
buildings, damage to.....	23	17	71
costs, when taxed	23	23	73
damages to be irrespective of benefits.....	23	22	73
guardian <i>ad litem</i> , to appear when.....	23	21	73
judgment to be entered as in other civil cases.....	23	19	72
judgment final, when.....	23	23	73
jury to be empaneled, unless waived.....	23	14	70
jury to examine property.....	23	16	71
new parties brought in.....	23	20	73
notice of, how given.....	23	12	69
on public corporation.....	23	13	70
possession, order of, when.....	23	24	74
prosecuting attorney to conduct	23	11	69
condemnation unclaimed awards revert to road fund.....	23	62	89
construction, payment made as work progresses.....	23	53	86
contract, how let	23	52	85
bond to be given by, condition of.....	23	52	85
contractor—			
claims against must be filed, when.....	23	52	86
corporate entity of	23	7	68
county commissioners to condemn property ordered to be entered	23	10	69
county commissioners to be officers of.....	23	7	68
county treasurer to report collections to board.....	23	44	82
eminent domain, may exercise.....	23	8	68
highway, change of, charged to district, when.....	23	9	69
indebtedness of, how paid.....	23	54	86
injunction to enforce act.....	23	66	90
interest, rate of on warrants of.....	23	54	86
judgment, effect of, on assessment roll.....	23	34	79
may be used to pay assessments	23	59	88
lands may be filled	23	60	88
lands to be included	23	2	64
municipal corporations, district to be.....	23	7	68
objects for which formed	23	1	64
order establishing	23	6	68
petition, bond of petitioners	23	4	66
petition for—			
map to accompany	23	3	65
cost of report	23	25	75
notice of, filed with auditor.....	23	3	66
notice of hearing	23	5	67
rejection, notice of.....	23	3	66
who may sign.....	23	3	65
plans of presented to county commissioners.....	23	1	64
process, fees for service.....	23	65	90
re-assessments, when	23	51	85
surplus fund revert to road funds	23	61	89

WORKMAN'S COMPENSATION.

WATERWAYS—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
<i>Public Waterway District—</i>			
warrants, interest on.....	23	54	86
ceases when	23	55	87
waterway to be public highway.....	23	63	89
contract for construction of, how let.....	23	52	85
controlled by city, when	23	63	89
Sea walls, port districts may construct.....	92	4	418
University street across			
Validating districts already formed	10	1	11
Viaducts may be built over	103	1	494
WATERWORKS—(see also WATERS):			
Act to regulate—(see PUBLIC SERVICE).....	117	....	538
WEEDS:			
Providing for destruction of—(see AGRICULTURE).....	60	1	327
WENATCHEE BRIDGE:			
Resolution to purchase	S. J. R.	5	654
WENATCHEE RIVER:			
Fishing regulations on	104	1	498
WESTERN WASHINGTON HOSPITAL FOR THE INSANE:			
Appropriation for	44	....	148
WHARFINGER:			
Definition of in Public Service Commission law.....	117	8	546
WHARVES:			
Cities of first class may lease.....	67	1	338
Counties may aid state or nation in building.....	3	1	4
Defined in Public Service Commission law.....	117	8	546
Port districts may acquire or construct.....	92	4	418
WHITE SHIELD HOME:			
Appropriation for	44	....	152
WHITMAN COLLEGE:			
Memorial urging granting of site of Fort Walla Walla to....	S. J. M.	2	658
WIDOWS:			
Admitted to Soldiers' Home, when.....	124	1	622
WILD FOWL—(see GAME).			
WILLAPA:			
Fishing regulations on	104	1	497
WILLS:			
Foreign, validity of	8	1	9
WIND RIVER:			
Fishing rights on	104	1	498
WITNESSES:			
Attendance before railroad commission compelled.....	117	75	587
WOMEN—(see FEMALES).			
WORKMAN'S COMPENSATION:			
Accidents—			
additional payments for.....	74	5	360
employers to report	74	14	365
Accident fund—			
created	74	4	352
injury causing death, amount set aside for	74	5	359
limitations on payments from.....	74	5	359
right of action assigned for benefit of	74	3	348

WORKMAN'S COMPENSATION.

WORKMAN'S COMPENSATION—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Act—			
adjudications affecting, how applied.....	74	27	372
invalidity of, funds to be returned.....	74	27	372
limitations of actions, extended.....	74	28	372
repeal of, funds to be returned.....	74	31	374
Actions—			
at law, when, if act is void.....	74	28	372
default assessments.....	74	8	362
department to approve compromise, when.....	74	3	348
employer liable in for wilful injuries.....	74	6	361
for injuries against delinquent employer.....	74	8	362
medical examination in.....	74	25	371
misrepresentation of pay roll, penalty.....	74	16	366
pending, saved.....	74	32	374
review decision of department.....	74	20	368
state may sue for injuries to workman.....	74	3	348
right of, repealed.....	74	30	373
venue in county where workman resides.....	74	5	361
Appeals from department where heard, procedure.....	74	20	368
medical examinations in.....	74	25	371
Application for compensation, proofs to accompany.....	74	12	364
American mortality table basis of rate in case of death.....	74	5	359
Annual report to be made to governor.....	74	24	371
Assessments—			
additional for lack of safeguards, etc.....	74	9	363
additional to be paid, when.....	74	4	351
defaults in, actions on.....	74	8	362
legislature may change rates of.....	74	4	352
misrepresentation as to, penalty.....	74	16	366
new industry.....	74	4	361
non-hazardous occupations, to be excepted.....	74	4	356
paid when.....	74	4	349
first payment.....	74	4	351
installments.....	74	4	352
readjustment, at end of each year.....	74	4	351
separate on each class.....	74	4	352
schedule of.....	74	4	349
total compensation, basis of.....	74	4	356
Assistants may be appointed.....	74	23	370
Attorney—			
fee of, fixed by court.....	74	20	368
paid by department, when.....	74	20	368
Awards, schedule.....	74	5	356
Beneficiary—			
leaving state, lump sum payable to.....	74	5	361
who may be.....	74	3	349
Building, included in engineering works.....	74	3	347
Burial expenses, limit on.....	74	5	356
Canals, when classified as engineering work.....	74	3	347
Child, compensation to.....	74	5	357
Child, defined.....	74	3	349
Civil actions, abolished.....	74	1	346
Claims—			
employer may pay, when.....	74	26	371
filed within one year.....	74	12	365
Classification—			
department may raise temporarily.....	74	4	352
mixed, when.....	74	4	356
schedule of.....	74	4	353

WORKMAN'S COMPENSATION.

WORKMAN'S COMPENSATION—CONTINUED :

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Compensation—			
application for	74	12	364
assignment of void	74	10	364
beneficiary moving away, lump sum.....	74	5	361
for injuries, amount.....	74	5	356
lump sum paid, when.....	74	7	362
medical examination may be required.....	74	13	365
none allowed for wilful negligence.....	74	6	361
only when loss exceeds five per cent. of earning power.....	74	5	359
permanent partial disability.....	74	5	360
reduction for contributory negligence.....	74	9	364
Commission may issue subpoenas.....	74	21	369
Commissioners—			
appointment of	74	21	369
salary	74	22	369
terms of	74	21	369
Common law system obsolete.....	74	1	345
Construction work—			
classification of	74	4	353
schedule of assessments.....	74	4	349
Contracts to avoid acts are null.....	74	11	364
Contributory negligence of workman, compensation reduced...	74	9	364
Contribution, schedule of	74	4	349
Courts, jurisdiction of abolished	74	1	346
Death—			
claims, amounts of invested, deficiencies.....	74	5	359
lump sum payments allowed	74	7	362
payment, amount set aside for.....	74	5	359
Definitions	74	3	346
Department—			
annual report to be made.....	74	24	371
appoint deputies	74	23	370
approve compromise of actions, when.....	74	3	348
approve compromise settlements	74	8	363
commission may issue subpoenas	74	21	369
created, consisting of three commissioners.....	74	21	369
chairman of, commissioners to select.....	74	21	369
decision of <i>prima facie</i> correct	74	20	369
discretion not subject to review.....	74	20	368
general powers of.....	74	24	370
fix rate on extra hazardous occupations.....	74	2	346
office at state capital.....	74	21	369
Dependents—			
amounts paid to	74	5	357
who are	74	3	348
Disability—			
change in, readjustment of compensation	74	5	360
maximum, permanent, what is.....	74	5	360
permanent total, defined.....	74	5	358
payments for	74	5	358
partial defined	74	5	360
temporary total, payments one-half.....	74	5	359
Docks, when classed as engineering work.....	74	3	347
Electric plants, when classed as engineering work.....	74	3	347
Electric plants and lines, when classified as engineering work...	74	3	347
Employer—			
appealing to give bond, when	74	20	368
books of may be inspected, penalty for failure.....	74	15	365
deducting premiums from wages, penalty.....	74	4	352
defaulting not entitled to benefit of act.....	74	8	362
defined	74	3	347

WORKMAN'S COMPENSATION.

WORKMAN'S COMPENSATION—CONTINUED:

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
Employer—			
entitled to compensation, when	74	3	348
liable for additional payments for lack of safeguards	74	9	363
may pay claims, credit allowed	74	26	371
schedule of, assessments to pay	74	4	349
Engineering work, defined	74	3	347
Evidence, commissioner may issue subpoenas for	74	21	369
Exemptions, compensation for injuries within	74	10	364
Extra hazardous—			
occupations, places of enumerated	74	2	346
rates of, Commission to fix	74	2	346
Factory act, certain provisions repealed	74	30	374
Factories—			
classifications of	74	4	355
definition of	74	3	346
schedule of, assessments on	74	4	350
Funds—			
distribution of in case of repeal of act	74	31	374
how paid out	74	26	371
invested of, required	74	26	372
Harbors, when classed as engineering work	74	3	347
Hazardous occupation, defined	74	2	346
Highways included in engineering work	74	3	347
Husband, denied compensation, when	74	5	361
Industry, careless management of, rates increased	74	4	353
Industries—			
classification of	74	4	353
legislature may change	74	4	352
mixed classification, when	74	4	356
one class not liable for deficiencies in another	74	4	352
Industrial Insurance Department, created—(see Department, <i>supra</i>).	74	21	369
Injuries—			
action for if act is void	74	28	372
causes of to be investigated	74	24	370
compensation, rate of	74	5	356
minor, not paid for	74	5	359
proof of to be filed	74	12	364
refers only to fortuitious event	74	3	349
subsequent payments for	74	5	360
Insurance, amount paid	74	5	356
Interest paid on claims, when	74	26	371
Interstate Commerce provision concerning	74	18	367
Interurban railroad, when classed in engineering work	74	3	347
Invalid, defined	74	3	349
Jury, when may be used	74	20	368
Liability, employer subject to for wilful injury	74	6	361
Logging road, included in engineering work	74	3	347
Maximum permanent disability, what is	74	5	360
Medical examinations—			
appeals, required in	74	25	371
may be ordered	74	13	365
Mill, includes what	74	3	347
Mine, definition of	74	3	347
Minor—			
dependent, allowance to	74	5	357
may sue, when	74	6	361
parents to receive payments	74	5	360
Miscellaneous work, assessments on	74	4	351
Mortality table basis of payments when death ensues	74	5	359
Municipalities subject to act	74	17	366

WORKMAN'S COMPENSATION.

WORKMAN'S COMPENSATION—CONTINUED:	Ch.	Sec.	Page
Negligence, wilful, no compensation for.....	74	6	361
New industry to pay on commencing business.....	74	4	351
Non-hazardous occupations, stipulation to use act.....	74	19	367
Notice of accidents, what to include.....	74	14	365
Occupation—			
certain inherently hazardous	74	2	346
not hazardous may use act.....	74	19	367
Operation, industrial schedule of assessments on.....	74	4	350
Parents, amount paid to	74	5	357
Payments, how made	74	26	371
Pay roll—			
misrepresentation as to, penalty.....	74	16	366
period of, for basis of assessment	74	4	351
Penalties..			
misrepresentations as to assessments liable for.....	74	16	366
refusal to permit examination of books.....	74	15	366
Permanent disability—			
partial, defined	74	5	360
maximum, what is	74	5	360
total defined	74	5	358
Permanent total disability, defined.....	74	5	358
Physicians certificate accompany claim.....	74	12	364
Physicians to examine injured, if appealing.....	74	25	371
Police power of state applicable.....	74	1	345
Premiums, when payable.....	74	4	352
Private controversy eliminated.....	74	1	345
Proof of injury to be filed.....	74	12	364
Public policy, contracts to waive act are void.....	74	11	364
Public work, subject to act.....	74	17	366
Quarry, definition of.....	74	3	347
Railroads, included in engineering works.....	74	3	347
Relatives, dependents, who are.....	74	3	348
Relief, amount paid	74	5	356
Remedies, election of, when.....	74	3	348
Rules, department to promulgate.....	74	24	370
Safeguards—			
absence of, additional assessments for.....	74	9	363
act not to change law of.....	74	30	373
Saving clause.....	74	32	374
Schedule of assessments	74	4	349
Sewers, included in engineering works.....	74	3	347
Spouse denied compensation, when.....	74	5	361
State, county, etc., subject to provisions of act.....	74	17	366
State, subrogated to rights of injured workmen.....	74	3	348
State treasurer to invest funds, how.....	74	5	359
Statistics, department to compile.....	74	24	371
Steam plants, when classed as engineering work.....	74	3	347
Streets, included in engineering work.....	74	3	347
Street railways included in engineering works.....	74	3	347
Structures, included in engineering works.....	74	3	347
Subpoenas, commission may issue.....	74	21	369
Telegraph and telephone lines, when classed as engineering works.....	74	3	347
Temporary total disability, payments for.....	74	5	359
Total disability—			
permanent payments for	74	5	358
temporary, payments for	74	5	359
Venue of action in county of injured workman.....	74	5	361
Wages, no deduction from, for premiums.....	74	4	352
Water power, when classified as engineering work.....	74	3	347
Widow, payments to	74	5	356
Wife, abandoning husband denied compensation.....	74	5	361

WORKMAN'S COMPENSATION.

	<i>Ch.</i>	<i>Sec.</i>	<i>Page</i>
WORKMAN'S COMPENSATION—CONTINUED:			
Witness, commission may subpoena.....	74	21	369
Workman—			
amount received for injuries.....	74	5	356
defined	74	3	347
injured outside of employment, election of remedies.....	74	3	348
may sue employer, when.....	74	8	362
not to pay premiums	74	4	352
Workshop defined	74	3	347
WYNOOCHEE RIVER:			
Fishing regulations on	104	1	497
YAKIMA COUNTY:			
Two superior judges for.....	62	1	332
YOUNG MENS' CHRISTIAN ASSOCIATION:			
Special rates to agents of.....	117	18	552