

L A W S

OF

WASHINGTON TERRITORY,

ENACTED BY THE

LEGISLATIVE ASSEMBLY

IN THE YEAR 1881.

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LAW S
OF
WASHINGTON TERRITORY.

Enacted at the Eighth Biennial Session, which was begun and held at the City of Olympia, the Capital of said Territory, on Monday, October 3, 1881, and ended Thursday, December 1, and at the special session which was begun on Friday, December 2, 1881, and ended Wednesday, December 7, 1881.

WILLIAM A. NEWELL, GOVERNOR. H. F. STRATTON, President of the Council. GEORGE COMEGYS, Speaker of the House of Representatives.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REGULATE THE PRACTICE AND PROCEEDINGS IN CIVIL ACTIONS," APPROVED NOVEMBER 8TH, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 174, chapter XII of an act, entitled "An act to regulate the practice and proceedings in civil actions," approved November 8th, 1877, be and the same is hereby amended so as to read as follows: "The plaintiff, at the time of issuing the summons, or at any time afterward, before judgment, may have the property of the defendant attached in the manner hereinafter prescribed, as a security for the satisfaction of such judgment as he may recover.

SEC. 2. That section 175 of said act be and the same is hereby amended so as to read as follows: "The writ of attach-

ment shall be issued by the clerk of the court, in which the action is pending, but before any writ of attachment shall issue, the plaintiff, or some one in his behalf, shall make and file with such clerk an affidavit stating that a cause of action exists against the defendant, and the nature thereof, and that the defendant is indebted to the plaintiff thereon, specifying the amount of said indebtedness as near as may be, over and above all set-offs or counter claims, and that the same is not secured by any mortgage or lien upon any real or personal property, or any pledge of personal property, or if originally so secured, such security has, without any act of the plaintiff, become inadequate."

SEC. 3. That section 176 of said act be and the same is hereby amended so as to read as follows: "Before the writ of attachment issues, the plaintiff, or some one in his behalf, shall also execute and file with the clerk a bond or undertaking, with two or more sureties, in a sum not less than two hundred dollars and equal to the amount for which plaintiff demands judgment; and to the effect that the plaintiff will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the attachment, if the same be wrongful or oppressive, not exceeding the sum specified in the bond. With the bond or undertaking the plaintiff shall also file the affidavits of the sureties, from which affidavits it must appear that such sureties are qualified, and that taken together they are worth the sum specified in the bond or undertaking over all debts and liabilities and property exempt from execution. No person not qualified to become bail upon an arrest is qualified to become a surety in a bond or undertaking for an attachment."

That section 177 of said act be and the same is hereby amended so as to read: "The writ shall be directed to the sheriff of any county in which the property of such defendant may be, and shall require him to attach and safely keep all the property of such defendant within his county, not exempt from execution, or so much thereof as may be sufficient to satisfy plaintiff's demand, the amount of which shall be stated in conformity with the complaint, together with costs and expenses. Several writs may be issued at the same time to the sheriffs of different counties. After the return of any writ of attachment by the sheriff executing the same, the plaintiff, notwithstanding such return may have other writs of attachment issue in the same action without further proceedings, the same to be executed as an original writ."

That subdivision one (1) of section 179, be and the same is hereby amended so as to read: "1. Real property shall be attached by filing a copy of the writ together with a description of the property attached, with the auditor of the county in which the attached property is situated."

SEC. 4. That section 189 of said act be and the same is hereby amended so as to read: "Whenever the defendant has appeared in the action, he may at any time before judgment therein have the property attached delivered to him, by executing and delivering to the officer having the same a bond or undertaking, to be approved by such officer in a sum at least double the amount claimed in plaintiff's affidavit, with at least two sureties, who shall be residents of the Territory, to the effect that the parties executing such bond or undertaking will pay to the plaintiff the amount of any judgment, costs, and interest thereon, which the plaintiff may recover against the defendant in the action, which bond or undertaking shall run to the plaintiff. Before the officer shall approve of the bond or undertaking, the sureties to the same shall make and deliver to such officer an affidavit that they are residents of the Territory of Washington and are worth the sum specified in such bond or undertaking, in property within this Territory over and above all debts, liabilities and exemptions; which affidavits shall be endorsed upon or annexed to such bond or undertaking and returned by the officer taking the same to the clerk of the court issuing the writ of attachment; in case the plaintiff recover judgment in said action he may bring an action upon such bond or undertaking, against all or any of the parties executing the same; and shall be entitled to recover the amount of the judgment recovered against the defendant in the writs of attachment and costs.

SEC. 5. That sections 190, 191, 192 and 193 of said act be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved October 31, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT DEFINING THE JURISDICTION AND PRACTICE IN THE PROBATE COURTS IN WASHINGTON TERRITORY," APPROVED NOV. 11, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one hundred and forty-five (145) of an act entitled "An act defining the jurisdiction and practice of probate courts in Washington Terri-

tory," approved November 11, 1873, be and the same is hereby repealed.

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

Approved, November 10th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT DEFINING THE JURISDICTION AND PRACTICE IN THE PROBATE COURTS OF WASHINGTON TERRITORY," APPROVED NOVEMBER 11TH, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act of the Legislative Assembly of Washington Territory, approved November 11th, 1873, entitled "An act defining the jurisdiction and practice in the probate courts of Washington Territory," be and the same is hereby amended so as to read as follows: "Sec. 90, subdivision 3. To one or more of the principal creditors: *Provided,* That if the persons so entitled or interested shall neglect, for more than 40 days after the death of the intestate, to present a petition for letters of administration, or if there be no relatives or next of kin, or if the heirs or one or more of the principal creditors in writing waive their right to administer, or if there be no principal creditor or creditors, then the probate court or judge may appoint any suitable and competent person to administer such estate."

SEC. 2. That section 328 of said act shall be and the same is so amended as to read as follows: "The county shall, in all cases where the person is indigent, be at the expense of such conveyance to the asylum, and in the event of the death of such person, be chargeable with the funeral expenses: *Provided,* That when such insane person is a resident of another county, the county wherein such proceedings were had shall recover from the county of which such insane person is a resident, all costs and expenses.

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

Approved.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT DEFINING THE JURISDICTION AND PRACTICE IN THE PROBATE COURTS OF WASHINGTON TERRITORY," APPROVED NOVEMBER 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two (2) of said act shall be and the same is hereby amended by adding thereto the following: "*Provided,* That when the relatives or friends desire to take charge of such insane or idiotic persons, the court or judge may so order, if they shall give bonds with surety, to be approved by said court, conditioned that such insane or idiotic person shall be well and securely kept.

SEC. 2. This act shall take effect and be in force from and after the date of its approval by the governor.

Approved, October 29th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT DEFINING THE JURISDICTION AND PRACTICE IN THE PROBATE COURTS OF WASHINGTON TERRITORY," APPROVED NOV. 11TH, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 251 of the act entitled "An act defining the jurisdiction and practice in the probate courts of Washington Territory," approved November 11th, 1873, be amended to read: "Sec. 251. When the account is rendered for settlement, notice for the hearing and settlement thereof shall be given by the probate judge by causing notices to be posted in three of the most public places in the county at least twenty (20) days before the time appointed for such settlement. The notice shall set forth the name of the estate, of the executor or administrator, and the day appointed for the settlement of account, which shall be on some day of a regular term of court. The court may order such further notice to be given as it may deem proper.

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

Approved, October 29th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO JUSTICES OF THE PEACE, AND TO THEIR PRACTICE AND JURISDICTION," APPROVED NOVEMBER 13TH, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That sections 157 and 158 of "An act relating to justices of the peace and to their practice and jurisdiction," approved November 13, 1873, be and the same is hereby amended so as to read as follows: "Sec. 157. Such appeal shall be taken by filing a notice of appeal with the justice and serving a copy on the adverse party or his attorney, and filing a bond or undertaking as in the next section provided, within twenty days after the judgment is rendered or the decision made." "Sec. 158. No appeal shall be allowed in any case unless a bond or undertaking shall be executed on the part of the appellant and filed with and approved by the justice, with one or more sureties, in the sum of one hundred dollars, to the effect that the appellant will pay all costs that may be awarded against him on the appeal; or if a stay of proceedings before the justice be claimed a bond or undertaking with two or more sureties, to be approved by the justice, in a sum equal to twice the amount of the judgment and costs, to the effect that the appellant will pay such judgment, including costs as may be rendered against him on the appeal.

SEC. 2. Previous to the commencement of any trial before a justice of the peace, the defendant, or his or her agent, may make oath that it is the belief of such deponent that the defendant cannot have an impartial trial before such justice; whereupon it shall be the duty of the justice immediately to transmit all the papers and documents belonging to the suit, to the next nearest justice of the peace in the same county, who is not of kin to either party, sick, absent from the county, or interested in the event of the suit, as counsel or otherwise, who shall proceed as if the suit had been instituted before him: *Provided,* That distance, as contemplated in this section, shall mean to be by the nearest traveled route.

SEC. 3. The costs of a change of venue shall abide the result of the suit, and shall not be demanded in advance.

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

Approved November 5, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO ROADS, FERRIES, BRIDGES, AND TRAVEL ON PUBLIC HIGHWAYS," APPROVED DECEMBER 1ST, 1881.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 19 of an act entitled "An act in relation to roads, ferries, bridges and travel on public highways," approved December 1st, 1881, be made to read as follows: "Sec. — The supervisor of each road district in this Territory shall, at least ten days before the first Monday in April of each year, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district on the first Monday in April, at two o'clock in the afternoon, at some convenient place in said district to be specified in said notice, for the purpose of electing a road supervisor for the next succeeding year, at which election the old supervisor shall act as chairman, if present; if not present, a chairman shall be elected by the voters present. The meeting shall also elect a secretary who shall record the proceedings of the meeting, and all male persons in the district, who are required to labor on the roads or who have road taxes to pay, may vote at such election, and the person receiving the highest number of votes shall be considered elected supervisor for that year, who shall, within ten days, and before entering upon the duties of said office, take an oath to faithfully discharge the duties of his office, and, if required by the county commissioners, shall enter into bond to the county, with one or more sureties, in any sum not exceeding one thousand dollars, to be approved by the county commissioners, to the effect that he will faithfully account for all money coming into his hands by virtue of his office: *Provided, however,* If from any cause there is no election on the first Monday in April, the supervisor or any qualified elector who is

a taxpayer of the district may call a special election by giving notice as provided in this section, which election shall be held on the third Monday of the same month. It shall be the duty of the chairman and secretary of such meeting to notify the county auditor in writing before the next regular meeting of the board of county commissioners that the district has elected a supervisor, and give his name in full; but in case any road district shall fail to notify the county auditor in writing that they have elected a supervisor, it shall be the duty of the county auditor to report what districts have failed to elect to the county commissioners, at their regular May meeting, and they shall appoint supervisors to fill all vacancies in such road districts." That section 23 of the same act be made to read as follows: "Whenever the supervisor shall from any cause have neglected or omitted to place on his list the name of any person or property within the time required by law, he may at any time afterwards place the name of any person or property, on the list; and assess the road tax due, which assessment shall in all respects be valid as if made in due form. It shall be the duty of the county commissioners of the several counties to levy and assess a road tax of four dollars on every male person liable to perform labor on the public roads, between the ages of twenty-one and fifty years, except persons that are a public charge, or too infirm to perform labor, idiotic and insane persons and an active fireman who has been a member of any fire company in this Territory for a period of one year preceding the assessment of taxes; also to assess not less than one nor more than five mills on every dollar's worth of property as returned by the county assessment, which tax shall be paid in money or in labor at the rate of two dollars per day: *Provided*, That the county commissioners may in addition levy a special tax of two mills on every dollar's worth of property as returned by the assessor, which tax shall be paid in money at the time and in the manner provided for the payment of county and Territorial taxes; and the money arising from said tax shall be known and designated as the "road and bridge fund," and may in the discretion of the county commissioners be applied to build or repair public bridges or roads: *Provided, further*, That in the county of Lewis, the above two mills shall be used for the purpose of building bridges only.

SEC. 2. The secretary of the Territory and the person or persons authorized to index the Code shall substitute the above sections in lieu of the sections hereby repealed.

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

Approved, December 7th, 1881.

AN ACT

TO LEGALIZE COUNTY ROADS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That where by reason of the loss or destruction of the field notes of the original survey, or in case of defective survey, or record, in case of such numerous alterations of any county road, since the original location and survey, that its location cannot be accurately defined by the papers on file in the proper county auditor's office, or where, through some omission or defect, doubts may exist as to the legal establishment of evidence of establishment of any county road or highway, the board of county commissioners of the proper county may, if they deem it necessary, order such highway or any part of a county road used and traveled by the public, to be re-surveyed, platted and recorded as hereinafter provided.

SEC. 2. A copy of the field notes, together with a plat of any highway or county road, surveyed under the provisions of the preceding section, shall be filed in the office of the county auditor, and thereupon he shall designate a day at a regular term of the board of county commissioners, not less than twenty days from the publication of said notice, upon which said board will, unless good cause be shown against so doing, approve of such survey or plat, and order them to be recorded as in case of the original establishment of a county road.

SEC. 3. At least twenty days before the day fixed by the auditor as above provided, a notice in which shall be inserted the name of each resident owner or occupier of said land lying on the portion of road sought to be legalized or abutting on the line of survey, shall be published four successive weeks in some newspaper published in the county, if any such there be, or by posting the same in five public places in the vicinity of said survey, which notice may be in following form:
, residents on that portion of the county road, used and traveled as such for . . . years, commencing at, in . . . county, running thence (name distance, and in general terms points of location) and terminating at, has been re-surveyed and the board of county commissioners will at their next term hear and determine whether the road herein described and included in said survey shall be ordained as a lawful county road and public highway, and objections thereto or claims for damages must be filed in the auditor's office on or before the first day of the . . . term, A. D. 18.., or the road herein above de-

scribed will be declared a county road and public highway.
A B, county auditor.

SEC. 4. If no objections or claims for damages are filed on or before the first day of the term fixed for hearing the same, the board of county commissioners shall proceed to declare that such road included in said survey is a lawful county road. If objections are made to the establishment of the highway or claims for damages are filed, three disinterested freeholders shall be appointed to appraise the damages, the report of whom shall be made to the next term of the county commissioners' court.

SEC. 5. No claim for damages will be allowed to any person who did upon the original location of said road receive damages, or who, or whose grantor applied for, or assented to such road, passing over said land, or who, when making settlement upon the tract by him occupied, found the said road in public use and travel. The appraisers will report any and all acts of the owners of said land or their grantors which show compensation, dedication or assent, to such land being used as a public highway. The board may increase, diminish, or refuse to allow any damages, from which order the parties may appeal within three months.

SEC. 6. In case objection shall be made in writing by any person claiming to be injured by the survey made, the board of county commissioners shall have full power to hear and determine upon the matter, and may, if deemed advisable, order a change to be made in the survey. Upon the final determination of the board, or in case no objection be made at the time named in the notice of the survey, they shall approve of the same, and cause the field notes and plat of the county road to be recorded as in case of the establishment and alteration of highways, and thereafter such records shall be received by courts as conclusive proof of the establishment and lawful existence of such county road and public highway according to such survey and plat.

SEC. 7. If the same, or what is equivalent thereto, has not heretofore been done, the county auditor shall, within six months after this act takes effect, cause every public road in his county, the legal existence of which is shown by the records and files of his office, to be platted in a book, to be obtained and kept for that purpose, and to be called the "Highway Plat Book." Each township shall be platted separately on a scale of not less than four inches to the mile, and such auditor shall have all changes in, or addition to, the highways legally established, immediately entered upon said plat book, with appropriate references to the files in which the papers relating to the same may be found.

SEC. 8. The expenses incurred by the provisions of this act shall be paid out of the county funds, not otherwise appropriated.

SEC. 9. This act to take effect and be in force from and after its passage and approval by the governor.

Approved November 16th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO DECLARE CERTAIN PERSONS HABITUAL DRUNKARDS, AND TO PROTECT THEM AND OTHERS IN PERSON AND PROPERTY," APPROVED NOVEMBER 14TH, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two (2) of an act entitled "An act to declare certain persons habitual drunkards, and to protect them and others in person and property," approved November 14th, 1879, be and the same is hereby amended so as to read: "Any person may make complaint of any person addicted to the excessive use of intoxicating liquors, to the probate judge in the county wherein such person so addicted resides, that the person complained of is a habitual drunkard, and that in consequence thereof such person is squandering his or her earnings or property, or that he or she neglects his or her business, or that such person abuses or maltreats his or her family, which complaint must be verified by the oath of the complainant to the effect that the same is true."

SEC. 2. That section three (3) of said act be and the same is hereby amended so as to read: "Upon filing of the complaint duly verified, the probate judge shall cause a copy thereof to be served upon the accused forthwith, and shall summon him or her to appear and answer, giving such accused at least ten days' notice; and if, upon the hearing of the evidence, the allegations of the complaint are sustained, such judge shall, in open court, declare the accused to be a habitual drunkard, and shall cause the proceedings to be entered in full upon the record of his court."

SEC. 3. That section four (4) of said act be and the same is hereby amended so as to read as follows: "The same fees shall be allowed to the probate judge and sheriff or constable in all proceedings under the foregoing section of this act, as allowed by law for like processes and services, and like fees for witnesses as in civil cases before justices of the peace; and if the

complaint is not sustained, the probate judge may order the person making the complaint to pay the costs, if he considers the complaint to be frivolous or malicious, and in case the complaint is sustained the person accused shall pay the costs."

SEC. 4. That the following new sections be inserted after section six in said act:

"Sec. 7. It shall be the duty of the probate judge of each county to furnish a copy of this act as amended, together with the names of all persons adjudged habitual drunkards, to all parties licensed to sell by retail, intoxicating liquors in such county; and such retail dealers shall keep posted up in their place of business a copy of said law and a list of such habitual drunkards. A person failing to keep such law and list so posted, shall forfeit his license, and if he thereafter sells intoxicating liquors he shall be punished as if selling without a license."

"Sec. 8. Any person so declared to be a habitual drunkard may, at any time after the expiration of two years from the time he was so declared to be such, by petition addressed to the judge of the court in which he was so adjudged, have a hearing in such court, upon a day which shall be by such court set, which day shall not be more than ten days after the filing of such petition in such court, which petition may contain a statement of facts tending to show the improved condition and habits of such petitioner, and to establish his character for sobriety, and a prayer that the order on record so declaring him to be such habitual drunkard be vacated and he be released from the effects thereof; which petition shall be duly verified by the petitioner. And if, upon the hearing of such petition, and the evidence in support thereof, it appear to the judge that such petitioner is entitled to have such record vacated and be so released, then he shall make an order so declaring that such record be vacated and annulled and that the petitioner be thereafter released from the effects thereof."

SEC. 5. That section seven (7) of the act of which this act is amendatory, hereafter be section nine (9).

SEC. 6. This act to take effect and be in force from and after the first day of June, 1882.

Approved November 21, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO JUSTICES OF THE PEACE, AND TO THEIR PRACTICE AND JURISDICTION," APPROVED NOVEMBER 13TH, 1873.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section 34 of an act entitled "An act relating to justices of the peace and to their practice and jurisdiction," approved November 13th, 1873, be amended so as to read: "A writ of attachment shall be issued by any justice, with whom a complaint or claim has been filed, whenever the plaintiff, his agent or attorney, shall make and file an affidavit that a cause of action exists against the defendant and the nature thereof, and that the defendant is indebted to the plaintiff, thereon specifying the amount of said indebtedness, as near as may be over and above all set-offs or counter claims, and that the same is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property, or if originally so secured, such security has without any act of the plaintiff become inadequate."

SEC. 2. That sections 35 and 36 of said act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved, November 4th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION AND MEASUREMENT OF LOGS AND THE FORMATION OF LUMBER DISTRICTS," APPROVED NOVEMBER 11, 1879.

Be it enacted by the Legislative Assembly of the Territory of Washington Territory:

SECTION 1. That section ten of an act entitled "An act to provide for the inspection and measurement of logs and the for-

mation of lumber districts," approved November 11, 1879, be and the same is hereby amended so as to read as follows :

"Sec. 10. All logs shall be scaled at the place where they are boomed or rafted, ready for towing; and one-half of one per cent. of all fees received by the scaler or his deputy for scaling logs shall be paid into the treasury of the county where said logs were cut, for the benefit of such county, within one month after the said logs were scaled."

SEC. 2. That the act of which this is amendatory be further amended by adding after section fourteen the following sections, 15 and 16:

"Sec. 15. Any person, firm or corporation, who shall remove any saw-logs from the country where the same were boomed or rafted ready for towing, until the same shall have been scaled as provided by this act and the act of which this is amendatory, shall be fined in any sum not exceeding two thousand dollars nor less than five hundred dollars, to be recovered by an action in the name of the Territory, in the district court having jurisdiction in the county where said logs were cut or rafted or boomed.

"Sec. 16. One-fourth part of all fines recovered under the provisions of this act and the act of which this is amendatory, shall be paid to the party instituting the proceedings, one-fourth to the county in which the logs were cut and one-half to the Territory: *Provided*, That Pacific county shall be exempt from the provisions of this act.

SEC. 3. That section fifteen of the act of which this is amendatory be numbered "Sec. 17."

SEC. 4. This act shall take effect and be in force from and after its approval.

Approved November 26th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO CREATE A BOARD OF IMMIGRATION COMMISSIONERS AND PROVIDE FOR THE PRINTING AND DISTRIBUTION OF CERTAIN PAMPHLETS," APPROVED NOV. 12, 1875.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That an act of the Legislative

Assembly of the Territory of Washington entitled "An act to create a board of immigration commissioners and provide for the printing and distribution of certain pamphlets," approved November 12th, 1875, and all acts amendatory thereto, be and the same are hereby repealed.

SEC. 2. This act to take effect from and after its passage and approval by the governor.

Approved October 20th, 1881.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF THE SEVERAL COUNTIES TO APPROPRIATE MONEY FOR IMPROVEMENT OF ROADS AND BUILDING AND REPAIRING BRIDGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the several boards of county commissioners shall have power and they are hereby authorized to make appropriations from the general county fund for the purpose of improving public county roads and building and repairing bridges.

SEC. 2. Counties shall, for this purpose, be rated in three several grades as follows: First, All counties in which the assessed taxable property exceeds two millions of dollars. Second, All counties whose assessed taxable property is over one and one-half millions, and does not amount to two millions. Third, All counties whose taxable property is under one and one-half million dollars.

SEC. 3. In counties of the first grade the county commissioners may appropriate not to exceed three thousand dollars. In counties of the second grade, not to exceed two thousand dollars. In counties of the third grade not to exceed one thousand dollars: *Provided,* That this act shall not include the counties of Lewis, Yakima, Pacific, Kitsap, and Chehalis.

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

Approved November 5th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT IN RELATION TO THE ORGANIZATION OF NEW COUNTIES AND THE CHANGES IN COUNTY LINES," APPROVED NOVEMBER 16, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act in relation to the organization of new counties, and the changes in county lines," made and approved the 16th day of November, 1879, be and the same is hereby repealed.

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

Approved October 19th, 1881.

 AN ACT

TO AMEND "AN ACT IN RELATION TO TERRITORIAL TREASURER," APPROVED NOVEMBER 29, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section one of an act entitled "An act in relation to Territorial treasurer," approved November 29, 1871, be, and the same is hereby amended and made to read as follows: "That the Territorial treasurer shall reside and keep his office at the seat of government; and before entering upon his duties, shall execute a bond to the Territory of Washington in the sum of sixty thousand dollars, to be approved by the governor, and one of the justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law, and take an oath of office before some judge or justice of the peace, within the Territory, to be endorsed on his commission, and file a copy thereof together with his bond, in the office of the secretary of the Territory.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved October 18th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT CREATING A TERRITORIAL BOARD OF EQUALIZATION AND DEFINING ITS DUTIES."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That an act "Creating a Territorial board of equalization and defining its duties," approved November 14th, 1879, be and the same is hereby repealed.

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

Approved October 28th, 1881.

AN ACT

IN RELATION TO THE DISTRIBUTION AND SALE OF THE CODE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That upon receipt of the printed copies of the Code, the secretary of the Territory shall proceed to distribute them as follows: He shall send one copy to each of the following Territorial officers, to wit: The governor, the secretary, Territorial auditor, Territorial treasurer, superintendent of public instruction, the members of the present Legislative Assembly, judges of the supreme court, clerks of the supreme and district courts, to each county auditor, treasurer, county superintendent of schools, sheriff, county commissioner, probate judge, and justice of the peace, in this Territory; also a copy to each of the three clerks of the Code committee; and also send copies to sister States and Territories, and to the departments at Washington as he now distributes the session laws. He shall deliver the remaining copies of the Code to the Territorial auditor, taking his receipt therefor.

SEC. 2. The Territorial auditor shall forward, at the expense of the Territory, to the county auditors of the several counties in the Territory, for sale as herein provided, the number of copies of the Code hereinafter named, and he shall

charge each county with the number of copies sent, at the rate of three dollars per copy, notifying each auditor that said copies are to be sold to the public at that price. No person not a resident and taxpayer in the county, shall be allowed to purchase from the county auditors; and no person shall be allowed to purchase more than one copy from any one county auditor. The number of copies to be sent to the various county auditors shall be as follows:

To Chehalis	County	.....	10	copies.
" Clallam	"	.....	10	"
" Cowlitz	"	.....	20	"
" Clarke	"	.....	40	"
" Columbia	"	.....	30	"
" Island	"	.....	10	"
" Garfield	"	.....	25	"
" Jefferson	"	.....	20	"
" King	"	.....	60	"
" Kitsap	"	.....	10	"
" Klickitat	"	.....	40	"
" Lewis	"	.....	30	"
" Mason	"	.....	10	"
" Pacific	"	.....	10	"
" Pierce	"	.....	30	"
" San Juan	"	.....	10	"
" Skamania	"	.....	10	"
" Snohomish	"	.....	10	"
" Spokane	"	.....	40	"
" Stevens	"	.....	10	"
" Thurston	"	.....	30	"
" Wahkiakum	"	.....	10	"
" Walla Walla	"	.....	60	"
" Whatcom	"	.....	20	"
" Whitman	"	.....	60	"
" Yakima	"	.....	20	"

The county auditors shall pay into the county treasury all moneys received from the sale of such copies; and the county treasurer shall forward such money as other moneys are forwarded to the Territorial treasurer, taking his receipts therefor, and the Territorial auditor shall credit the proper counties with such amounts.

Sec. 3. On the first Monday in January, A. D., 1884, the several county auditors shall return all copies remaining unsold, to the Territorial auditor, who shall credit the proper county with the copies so returned.

Sec. 4. The Territorial auditor is authorized to sell the copies remaining in his hands, after supplying the various counties, to any person desiring to purchase, at the rate of three

(3) dollars per copy, and he shall pay all moneys received from the sale of such copies into the Territorial treasury.

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

Approved December 7th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH DISTRICT COURTS IN THE FIRST AND SECOND JUDICIAL DISTRICTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to establish district courts in the first and second judicial districts," approved Nov. 6, 1879, be amended to read as follows: Section 2 shall read: "Such courts shall be held at Vancouver on the first Monday of April, and first Monday of November; at Kalama, on the 4th Monday of April and 4th Monday of November; at Chehalis, Lewis county, on the second Monday of January; at Goldendale, on the 3d Monday of May, and first Monday of October; at Yakima, on the first Tuesday after the fourth Monday of May, and the first Tuesday after the second Monday of October; at Olympia, on the second Monday of June, and second Monday of December; at Oysterville, Pacific county, on the second Monday of August. The court held at Vancouver shall be for the counties of Clarke and Skamania; the court held at Olympia shall be for the counties of Thurston, Mason and Chehalis; the court held at Kalama shall be for the counties of Cowlitz and Wahkiakum; the court held at Oysterville shall be for the county of Pacific; the court held at Chehalis shall be for the county of Lewis; the court held at Goldendale shall be for the county of Klickitat; the court held at Yakima city shall be for the county of Yakima; and the several courts mentioned herein shall be held by the judge of the second judicial district." Section 5 shall be amended so as to read: "The courts herein mentioned are hereby established as district courts, and they shall have by mandamus, prohibition and *certiorari*, the supervision and control of all proceedings before probate courts, justices of the peace and other inferior tribunals. They shall, except where it is otherwise provided by law, have original and general jurisdiction of all matters of law, and of all cases

in admiralty, and of all cases in equity, and of all cases for divorce and also of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil or criminal, where an appeal or writ of *certiorari* shall be taken from the judgment or proceedings of a probate court, justice of the peace, or other inferior tribunal. They shall also have jurisdiction of all other matters made cognizable therein by any statute: *Provided, however,* That the courts held at Chehalis in Lewis county, Oysterville in Pacific county, Goldendale in Klickitat county, and Vancouver in Clarke county, shall not have jurisdiction of causes in which the United States is a party: *And provided further,* That the courts at Kalama, Olympia and Yakima City shall have jurisdiction in causes in which the United States is a party, arising in the second judicial district.

SEC. 2. All acts and parts of acts, so far as they conflict with the provisions of this act, the same are hereby repealed.

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

Approved November 10, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION OF TOWNS," APPROVED NOV. 29, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "An act to provide for the incorporation of towns," approved Nov. 29th, 1871, be and the same is hereby repealed.

SEC. 2. Nothing in this act contained shall invalidate or affect any ordinance passed or acts performed by towns incorporated under said act, and all town corporations now existing incorporated under said act are hereby continued, and all rights vested or liabilities incurred under any such ordinance or acts of said town corporations shall not be hereby lost, impaired, or discharged, but any and every act lawfully done under said corporations are hereby ratified and legalized.

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

Approved Dec. 1, 1881.

AN ACT

IN RELATION TO THE UNIVERSITY LANDS OF THE TERRITORY OF
WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of regents of the Territorial university are hereby authorized to locate all lands belonging to said university that have not been heretofore located; and the Territory shall pay the expense of such location, not to exceed one hundred and fifty dollars.

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

Approved December 1st, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INCORPORATION OF CITIES," APPROVED NOV. 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "An act to provide for the incorporation of cities," approved November 9th, 1877, be and the same is hereby repealed.

SEC. 2. Nothing in this act contained shall invalidate or affect any ordinance passed, or acts performed by cities incorporated under said act, and all city corporations now existing, lawfully incorporated under said act, are hereby continued, and all rights vested or liabilities lawfully incurred during any such ordinances or acts of said city corporations shall not hereby be lost, impaired or discharged, but any and every act lawfully done under said corporations are hereby ratified and legalized,

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

Approved Dec. 1, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT REGULATING SALMON FISHERIES ON THE COLUMBIA RIVER AND ITS TRIBUTARIES," APPROVED NOV. 14, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the above named act be and the same is hereby amended by striking out the word "September" when and wherever it occurs in said act.

SEC. 2. This act to take effect from and after its approval.
Approved November 26, 1881.

 AN ACT

AUTHORIZING CITIES, INCORPORATED TOWNS AND VILLAGES TO PROVIDE FOR A SUPPLY OF WATER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all cities, incorporated towns and villages in this Territory be and they are hereby authorized to contract for a term of years, not exceeding twenty-five, with any person, firm or corporation for a supply of water for the purposes of fire protection and for the use of the inhabitants thereof, or to provide for such supply of water by the erection, construction and maintaining of a system of water-works.

SEC. 2. That before any contract shall be entered into, the terms of the proposed contract, which may have been agreed upon by the council, or board of trustees, as the case may be, and the person, firm or corporation proposing to furnish the supply of water, shall be submitted to a vote of the tax-payers of the city, town or village at a special election to be called by the council or board of trustees, and of which election notice shall be given for at least three weeks, by publication in a newspaper published in such city, town or village, or if there be no paper published therein, then in some newspaper published in

the county, and if there be no newspaper published in the county, then by the posting of such notice in six conspicuous places in such city, town or village for a like period, and if a majority of the tax-payers of such city, town or village, voting at such election, shall vote to confirm such agreement, the mayor and clerk of such city or town, or the trustees of such town or village, shall execute the contract on behalf of such city, town or village.

SEC. 3. That whenever the council, or board of trustees shall deem it for the interest of the inhabitants of the city, town or village that water-works should be erected and maintained by such city, town or village, the matter of erecting such works and the proposed cost thereof, shall be submitted to a vote of the tax-payers of the city, town or village as provided in section two of this act, and if two-thirds of the tax-payers of such city, town or village, voting at such special election, shall vote for water-works, such city, town or village may then proceed to erect the water-works, lay the necessary water main pipes, establish hydrants and such other work as may be necessary—including the erection of reservoirs—and to maintain the same: *Provided*, That no city, town or village shall incur a debt for the erection of water works in excess of twenty per centum of the valuation of the property in such city, town or village as rated for taxation at the annual assessment next preceding the election held under this section: *And provided further*, That all contracts for the erection or construction of such works, or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three weeks' public notice of the terms and conditions upon which the contract is to be let, having been given by publication in at least one newspaper published in the city, town or village, or nearest thereto.

SEC. 4. Such cities, towns or villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied, for the erection, construction and maintaining of such water works, and appropriate money for the same, or carrying out the provisions of the contract; and the taxes levied annually shall be sufficient to pay the interest upon the money borrowed, and to create a sinking fund for the payment of the principal sum borrowed. *Provided*, That before any money shall be borrowed, or bonds issued, the consent of the Congress of the United States thereto shall first have been obtained. *And provided further*, That a higher rate of interest than eight per centum shall not be paid, and that any bonds which may be issued shall be for a period of not less than ten nor more than twenty-five years.

SEC. 5. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city,

town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate by purchase or otherwise, and shall have the power to take, hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water-works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water-works, shall extend ten miles beyond its corporate limits.

SEC. 6. The common council of such cities, or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water-works, and for the use of the water supplied by the same, and such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water-works, as the common council or board of trustees, as the case may be, shall deem just and expedient, and all such water taxes, rents or rates shall be a lien upon the premises and real estate, upon or for which the same is used or supplied, and such taxes, rents or rates shall be paid and collected, and such lien enforced in such manner as the common council or trustees, as the case may be, shall by ordinance direct and provide.

SEC. 7. All the income received by such cities, towns or villages from such water-works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds and money borrowed and used in the erection and construction of such water-works and running expenses thereof, and any surplus shall be applied to the creation of a sinking fund for the payment of the bonds or money borrowed.

SEC. 8. This act when approved by the governor of this Territory shall be in force upon its approval or ratification by the Congress of the United States.

Approved Dec. 1st, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO AMEND AN ACT IN RELATION TO NOTARIES PUBLIC," APPROVED NOV. 13, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to amend an act entitled an act in relation to notaries public," approved November 13, 1879, be and the same is hereby repealed.

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

Approved November 10th, 1881.

AN ACT

IN RELATION TO GRADED SCHOOLS IN INCORPORATED CITIES AND TOWNS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That each incorporated city or town in this Territory, shall be comprised in one school district, and under one board of school directors, and in all such cities or towns where the enumeration of school children, entitled to draw school money, is three hundred (300) or more, the directors shall be required to adopt the graded system of teaching in their schools: *Provided,* That nothing in this section shall be so construed as to prevent the extension of such city or town districts a reasonable distance outside the limits of such incorporated city or town: *And provided further,* That the schools of such cities or towns may be graded in such manner as the directors thereof may deem best suited to the wants of such districts, but no language other than the English, and no mathematics, higher than arithmetic, shall be taught in such graded schools.

SEC. 2. The directors of incorporated city or town districts may, in their discretion, elect one city or town school superintendent in each of said districts, who may be a teacher

of the district, and who shall have the control or management of all the schools in his district, subject to the concurrence of the board of directors. .

SEC. 3. It shall be the duty of the city or town superintendent to visit all the common schools in his district as often as twice every month during school terms, and to see that all requirements of the school law and the board of directors are enforced.

SEC. 4. The directors of any school district, composed of any incorporated city or town shall, when in their opinion it is necessary, levy a special tax of not exceeding ten mills in any one year, for the purpose of building school houses, which tax shall be levied and collected as provided in the general school law. *Provided*, That no special school tax shall be levied or assessed in any district until the same shall have been submitted to the qualified voters of such districts, as required by law, and a majority of the votes cast shall be in favor of such tax.

SEC. 5. The directors of such districts may also have power to levy a special tax of not exceeding five (5) mills in any one year for tuition purposes in their districts: *Provided*, That such tax shall be levied in accordance with the provisions of section four of this act.

SEC. 6. When two or more school districts, in any town or city, are united by the provisions of this act, all the directors of the district so united shall act as directors of said new district and shall have all the powers and authority conferred by the laws of this Territory upon school directors, and they may designate the person to act as clerk of said district, until the next annual school meeting in said district, at which time there shall be three directors and one clerk elected for said district, in the manner provided by law, who shall hold their respective offices as provided for officers of new districts.

SEC. 7. Districts thus formed shall be entitled to their full share of all public school fund money, to be drawn from the county treasury, in proportion to the school enumeration of such districts.

SEC. 8. Directors failing to organize their districts, as herein provided, within 120 days after the passage of this act, shall be deemed guilty of a misdemeanor and fined in any sum not exceeding five hundred dollars. Providing they are supplied with sufficient money to so organize the same.

SEC. 9. This act shall take effect and be in force from and after its passage and approval.

Approved December 1st, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO ESTABLISH PILOTS AND PILOT REGULATIONS FOR JUAN DE FUCA STRAITS, PUGET SOUND, AND ALL AMERICAN WATERS PERTAINING THERETO," APPROVED JANUARY 30TH, 1868.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to establish pilots and pilot regulations for Juan de Fuca straits, Puget Sound, and all American waters pertaining thereto," approved January 30, 1868, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after January 1st, 1882.

Approved November 21st, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ENCOURAGE THE CULTIVATION OF OYSTERS," APPROVED NOV. 14TH, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section third of the above named act be and the same is hereby so amended as to read as follows: "That it shall not be lawful for any person to rake, scrape, or gather oysters in any of the rivers, bays or waters of this Territory, for any purpose whatever, from the fifteenth day of June until the first day of September, of each year, and any person violating this section, and on conviction thereof, shall be fined in any sum not exceeding fifty dollars for each offense, or be imprisoned in the county jail for a period not exceeding twenty days, or both, at the discretion of the court.

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

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

Approved November 10th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO ENFORCE JUDGMENTS UPON CONTRACTS, ACCORDING TO THEIR TRUE INTENT AND MEANING," PASSED NOV. 23, 1869.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the act entitled "An act to enforce judgments upon contracts according to their true intent and meaning," passed November 23d, 1869, be and the same is hereby repealed.

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

Approved Dec. 1st, 1881.

AN ACT

TO ESTABLISH DISTRICT COURTS, AND FIXING THE REGULAR TERMS THEREOF IN THE FIRST JUDICIAL DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That hereafter the regular terms of the district court for the county of Walla Walla shall be held on the first Monday of May and the second Monday of November in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 2. That hereafter the regular terms of the district court for the county of Columbia shall be held on the third Monday in June, and the first Monday in January in each year, and shall hold until the business of the term is transacted unless sooner adjourned by the court.

SEC. 3. That hereafter the regular terms of the district court for the county of Whitman shall be held on the second Monday in December, and the first Monday in June in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 4. That hereafter the regular terms of the district

court for the county of Spokane shall be held on the second Monday in April, and the first Monday in October in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court. And the court for the county of Spokane shall have jurisdiction in all actions and causes, civil and criminal, arising in the first judicial district in which the United States is a party.

SEC. 5. That there shall be and there is hereby established a district court for the county of Stevens, in the first judicial district of the Territory of Washington, and the judge of said district is hereby authorized to hold said court; and hereafter the regular terms of the said court, for the county of Stevens, shall be held at the county seat of said county, on the third Monday in October in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 6. All acts and parts of acts in any way conflicting with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its approval.

Approved November 21st, 1881.

AN ACT

SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH DISTRICT COURTS IN THE FIRST AND SECOND JUDICIAL DISTRICTS," APPROVED NOV. 10, 1881.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That regular terms of the several district courts of the second judicial district shall commence on the days respectively specified in the act to which this act is supplemental, and shall each continue in session from day to day until regularly adjourned.

SEC. 2. All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

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

Approved November 26th, 1881.

AN ACT

TO ATTACH THE COUNTY OF YAKIMA TO THE SECOND JUDICIAL DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Yakima be and the same is hereby attached to the second judicial district of this Territory, and the said county shall hereafter be included in and form a part of said district.

SEC. 2. The prosecuting attorney elected for the county of Yakima at the general election in the year 1880, shall continue in said office and discharge the duties thereof until the expiration of the term for which he was elected.

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

Approved November 10 th, 1881.

 AN ACT

TO ESTABLISH COURTS IN THE THIRD JUDICIAL DISTRICT AND TO FIX THE TIME AND PLACES FOR HOLDING THE SAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there shall hereafter be held in the third judicial district regular terms of district courts in each year at the times and places hereafter designated.

SEC. 2. Such courts shall be held:

1. At Port Townsend, on the first Monday in March and the first Monday in September, and hold two weeks unless sooner adjourned.

2. At Snohomish City, in Snohomish county, on the third Wednesday in March and the third Wednesday in September, and hold two weeks unless sooner adjourned.

3. At Seattle, on the second Monday in April and the second Monday in October, and hold four weeks unless sooner adjourned.

4. At New Tacoma, on the Third Monday in May and the third Monday in November, and hold two weeks unless sooner adjourned.

5. At Laconner, on the third Tuesday in June and the third Tuesday in December, and hold two weeks unless sooner adjourned.

SEC. 3. The court held at Seattle shall be for the counties of King and Kitsap. The court held at Port Townsend shall be for the counties of Jefferson, Island, San Juan and Clallam. The court held at Laconner shall be for the district embraced within the present boundaries of Whatcom county. The court held at the county seat of Pierce county shall be for the county of Pierce. The court held at Snohomish City shall be for the county of Snohomish.

SEC. 4. The courts herein mentioned are hereby established as district courts and they shall have by mandamus, prohibition and *certiorari*, the supervision and control of all proceedings before probate courts, justices of the peace and other inferior tribunals. They shall, except where it is otherwise provided by law, have original and general jurisdiction of all matters of law, and all cases in admiralty, and of all cases in equity, and of all cases for divorces, and also of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases civil and criminal where an appeal or writ of *certiorari* shall be taken from the judgment or proceedings of a probate court, justice of the peace or other inferior tribunal. They shall also have jurisdiction of all matters made cognizable therein by any statute: *Provided, however*, That the courts held at Laconner and Snohomish City shall not have jurisdiction of causes in which the United States is a party: *And, provided further*, That the courts held at Seattle, Port Townsend and New Tacoma shall have jurisdiction in causes in which the United States is a party, arising in the third judicial district.

SEC. 5. The judge authorized to hold the courts herein provided for shall appoint a clerk for each of said courts, and such clerk shall hold his office during the pleasure of said judge, and with the consent of said judge, he may appoint one or more deputies: *Provided, however*, That clerks or deputy clerks heretofore appointed and acting in district courts, held at any of the places designated in this act, shall remain in office until removed by said judge, and the bonds given by them as such clerks or deputies shall remain in force during their term of office.

SEC. 6. The clerk or deputy clerk of courts herein mentioned hereafter appointed shall, before entering upon the du-

ties of his office, take an oath to faithfully perform such duties, and in addition thereto he shall give a bond with sureties to the Territory in such sum as the judge appointing him shall require, conditioned to faithfully account for and pay over to the person entitled thereto, all sums of money that may come into his hands by virtue of his office. Such bond must be approved by the judge appointing him. Any person aggrieved by the omission of such clerk or deputy to fulfill the conditions of his bond has a right of action in his own name against such clerk and his deputies on their official bond for any damages he may have sustained by reason of such omission.

SEC. 7. The offices of the clerks of the courts established by this act shall be at the places where said courts are held and they shall be kept open at all reasonable hours.

SEC. 8. Each of said courts shall be provided with a seal, if one is not already provided.

SEC. 9. Writs of error, bills of exceptions and appeals shall be allowed in all cases from the final decisions of any of the courts established by this act, to the supreme court of the Territory, under such regulations as may be prescribed by law.

SEC. 10. Crimes and misdemeanors under the law of the Territory shall be prosecuted and punished in the court having jurisdiction in the county where the offense was committed, unless a change of venue is ordered.

SEC. 11. In designating the courts herein provided for, it shall be sufficient to designate them, as "The district court holding terms at —," filling the blank by the name of the place in which said court is held.

SEC. 12. Any law on the subject matter of this act, so far as the same shall necessarily conflict with the provisions of this act, is hereby repealed. This act also fixes the time of holding district courts in the third judicial district, any law to the contrary notwithstanding.

SEC. 13. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 1st, 1881.

AN ACT

TO ESTABLISH THE DISTRICT COURT AT CHENEY, SPOKAN COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, That the district court, holding*

terms at Spokane Falls, for the counties of Spokane and Stevens, be and the same is hereby established at Cheney, in the county of Spokane.

SEC. 2. That it shall be the duty of the clerk of said court to forthwith cause the removal of the office of clerk and the record books and papers belonging to said court from Spokane Falls to Cheney.

SEC. 3. The expense of such removal shall be paid by the county of Spokane.

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

Approved, October 29th, 1881.

AN ACT

FOR THE RELIEF OF CERTAIN COUNTIES.

WHEREAS, The books of the Territorial auditor show a balance due from certain counties hereafter named; and whereas, it has been found impossible for the Territorial auditor and the county officers of the said counties hereinafter named to make a satisfactory settlement, by reason of the imperfect manner in which such accounts were kept at the time such discrepancies appear; and, whereas, the Territorial auditor has used due diligence in complying with an act approved November 9th, 1877, to provide for an equitable settlement between the Territory and the several counties therein; and, whereas, no satisfactory settlement could be made by reasons hereinbefore mentioned, and no reasons being shown that said balances are justly due the Territory. Therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Territorial auditor is hereby authorized to credit to the several counties herein named the following sums, namely: To the county of King the sum of four hundred and sixty-two and ninety-four one hundredths dollars; to the county of Klickitat the sum of two hundred and eighty-six and seventy-two one hundredths dollars; to the county of Kitsap the sum of three hundred and eighty-one and sixty-nine one hundredths dollars; to the county of Lewis, the

sum of two hundred and eighty-two and seventy-five one hundredths dollars; to the county of Mason the sum of ninety-three and thirty-eight one hundredths dollars.

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

Approved November 29th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PREVENT EXTORTION AND UNJUST DISCRIMINATION IN THE RATES CHARGED FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHTS ON RAILROADS IN THIS TERRITORY," APPROVED NOV. 14, 1873.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freights on railroads in this Territory," approved Nov. 14, 1873, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved, October 18th, 1881.

AN ACT

AUTHORIZING CHAIRMEN OF COMMITTEES OF THE LEGISLATIVE ASSEMBLY TO ADMINISTER OATHS IN LEGISLATIVE INVESTIGATIONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the chairman, or acting chairman, of a committee of the Legislative Assembly, in the investigation of any subject matter referred to such committee, may administer oaths to any or all witnesses brought before them.

SEC. 2. A person refusing to testify before such committee or to take such oath shall be deemed guilty of a contempt and may be brought to the bar of the house whose committee is making the investigation and be subjected to its order, until he shall take such oath and testify as required.

SEC. 3. Any person, being sworn to give testimony by such chairman before such Legislative committee, if he willfully swear falsely upon such oath, shall be deemed guilty of perjury and be subject to all the pains and penalties thereof.

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

Approved November 8th, 1881.

AN ACT

TO CREATE A DISTRICT COURT FOR THE COUNTY OF STEVENS, AND DEFINING THE JURISDICTION THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a court be and the same is hereby created and established within the county of Stevens to be called and known as the district court for the county of Stevens.

SEC. 2. That said district court shall have jurisdiction within said county of all matters, actions and causes, except those in which the United States shall be a party, in the same manner and to the same extent as other district courts in the first judicial district have, and all proceedings therein shall be governed by and subject to the same laws, rules and regulations in all respects as other district courts in said district are.

SEC. 3. That said district court shall be held by the judge of the first judicial district, and said judge shall appoint a clerk of said court who shall, before entering upon the duties of such office, take and subscribe an oath to faithfully discharge the same and shall give a bond or other security in such sum and form as the judge of said court shall direct, and shall file or deposit such oath and bond or other security in such place and manner as the judge of said court may direct, and shall keep his office at the county seat of said county.

SEC. 4. The regular terms of said court shall be held at the county seat of said county on the third Monday of October in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 5. This act shall take effect and be in force from and after the date of its approval.

Approved Dec. 1st, 1881.

AN ACT

RELATIVE TO TAKING UP SAWLOGS AND OTHER TIMBER OF VALUE IN SNAKE RIVER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That any person, taking up any saw logs, hewn or other timbers of value, found adrift and estrayed from the boom or fastening, of the owner, and the said logs or timbers shall be found upon Snake river, within this Territory, shall be entitled to one-half part or value thereof: *Provided,* That nothing herein shall be so construed as to make any person liable to pay for the taking up of any logs or timber which he may have marked and turned loose for the purpose of driving.

SEC. 2. Any person taking up logs or timber of value, under the provisions of this act, shall not be at liberty to dispose thereof for the space of twenty days from the time the same be so taken up, and there being no owner found claiming said logs or timber during said time.

SEC. 3. The owner of any stray logs or timbers that shall be taken up under the provisions of this act, shall, upon proof of the same being his, and paying one-half of the value thereof to the taker up, be entitled to his property.

SEC. 4. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ten dollars, and not more than one hundred, and shall stand committed until such fine and costs are paid.

SEC. 5. All acts and parts of acts in conflict with this act, be and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage and approval.

Approved December 1st, 1881.

AN ACT

IN RELATION TO THE TERRITORIAL TREASURER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the books and vouchers of the treasurer shall be examined once in six months, and all moneys that are in his hands at the time of such examination shall be counted, and the governor and one of the judges of the supreme court shall make such count and examination.

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

Approved Dec. 1st, 1881.

AN ACT

TO PROVIDE FOR THE COMPLETION OF THE JOURNALS OF THE EXTRA SESSION OF THE LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That R. G. O'Brien be and he is hereby employed to complete the journal of the council of this extra session, and that he be allowed the sum of twenty dollars therefor. That E. R. Burk be and he is hereby employed to complete the journal of the house of representatives, and that he be allowed the sum of twenty dollars therefor.

SEC. 2. Upon presentation of the proper vouchers to the Territorial auditor by the persons named in section one of this act, he shall draw warrants on the Territorial treasurer for the sums named in said section one, and the treasurer shall pay the

same out of any money in the treasury not otherwise appropriated.

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

Approved Dec. 7th, 1881.

AN ACT

TO PROVIDE FOR THE PAYMENT OF CERTAIN STATUTES USED BY THE CODE COMMITTEE, AND FOR THE RENT OF COMMITTEE ROOMS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of thirty-three dollars be and the same is hereby appropriated to John P. Judson for the following statutes cut up by the Code committee: Two statutes 1863, two statutes 1877, one statute 1879, one statute 1867, one statute 1868, and one statute 1875.

SEC. 2. That the sum of twenty-four dollars be and the same is hereby appropriated to John P. Judson for rent of room for the house committee.

SEC. 3. The Territorial auditor is hereby directed to draw a warrant on the Territorial treasurer in favor of said John P. Judson for the sum of fifty-seven dollars, which warrant shall be paid by the Territorial treasurer out of any moneys in the treasury not otherwise appropriated.

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

Approved December 7th, 1881.

AN ACT

IN RELATION TO SHERIFFS OF CERTAIN COUNTIES PERFORMING THE DUTY OF ASSESSOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sheriffs of Kitsap, Jefferson, Clallam, Whatcom, Island, San Juan, Snohomish, Mason,

and Chehalis counties, shall be *ex-officio* assessors of said counties, and shall fulfill all the duties required by law to be fulfilled by the assessor of said counties, and they shall be governed by all the laws relating to the same.

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

Approved December 1st, 1881.

AN ACT

TO AMEND "AN ACT IN RELATION TO SHERIFFS OF CERTAIN COUNTIES,"
APPROVED NOVEMBER 27, 1871.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section two of an act entitled "an act in relation to sheriffs of Pacific, Yakima, Kitsap, Skamania, Whatcom, Snohomish, Clallam and Stevens counties," approved November 27th, 1871, be amended by striking out the words "Yakima" and "Whatcom."

SEC. 2. All acts and parts of acts conflicting with any of the provisions of this act be and the same are hereby repealed.

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

Approved December 1st, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO CREATE THE OFFICE OF FISH COMMISSIONER FOR THE COLUMBIA RIVER, TO LICENSE THE TAKING OF SALMON IN THE COLUMBIA RIVER AND ITS TRIBUTARIES, AND TO ENCOURAGE THE ESTABLISHMENT OF HATCHING HOUSES ON THE WATERS OF THE COLUMBIA RIVER FOR THE PROPAGATION OF SALMON" APPROVED NOVEMBER 14, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the above named act be and the same is hereby repealed.

SEC. 2. This act to take effect from and after its approval.

Approved October 19th, 1881.

AN ACT

TO APPROPRIATE MONEY TO PAY FOR INDEXING THE SESSION LAWS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of fifty dollars be and the same is hereby appropriated out of the notarial fund in the Territorial treasury to pay for the labor necessarily done or procured by the secretary of the Territory in indexing the session laws of the eighth biennial session of the Legislative Assembly of the Territory of Washington.

SEC. 2. On presentation to the Territorial auditor of a certificate of the secretary of the Territory that the said laws have been indexed, he shall draw his warrant on the Territorial treasury for the sum of fifty dollars in favor of the said secretary.

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

Approved December 7th, 1881.

AN ACT

FIXING THE RATE TO BE PAID FOR PUBLIC PRINTING, AND PROVIDING FOR THE AUDITING OF THE ACCOUNTS OF PUBLIC PRINTER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the compensation for incidental printing for the Legislative Assembly shall be as follows: For composition for all reports and pamphlets, seventy (70) cents per thousand ems, printers' measurement, and thirty-five (35) cents per token of 250 impressions per form, of presswork; for composition of all resolutions, memorials, etc., thirty (30) cents per thousand ems; for presswork thirty (30) cents per token of two hundred and fifty impressions each form; for paper eight dollars per ream; for paper binding actual cost.

SEC. 2. That William H. Hughes, John M. Murphy and L. G. Abbott, who shall be duly sworn, be and they are hereby appointed and constituted a board to audit the accounts of C. B. Bagley for incidental printing.

SEC. 3. That the Territorial auditor shall draw his warrant on the Territorial treasury in favor of C. B. Bagley, for incidental printing as audited by said board, or a majority thereof, which amount shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 4. That William H. Hughes, John M. Murphy, and L. G. Abbott be and the same are hereby allowed for their services the sum of five (5) dollars per diem each, for the time actually employed upon said board, to be audited and paid in the same manner that other accounts against the Territory are paid: *Provided*, The total amount shall not exceed twenty dollars.

SEC. 5. All acts and parts of acts conflicting with this act be and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

Approved December 1st, 1881.

AN ACT

TO AUTHORIZE THE GOVERNOR OF WASHINGTON TERRITORY TO PURCHASE NEW SHACKLES FOR THE USE OF TERRITORIAL PENITENTIARY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the governor of Washington Territory be and he is hereby authorized and requested to purchase for the Territorial penitentiary an improved shackle for the use of said penitentiary.

SEC. 2. Said shackles shall be of a model that can be removed from the convicts every night during their term of confinement.

SEC. 3. That for this purpose the governor is hereby authorized to purchase thirty-five of said shackles and shall pay not to exceed \$350.00 therefor, or in case said sum shall not be

sufficient to purchase said number, a smaller number may be purchased.

SEC. 4. The Territorial auditor is hereby directed to draw his warrant for said amount in favor of the governor of Washington Territory, when demanded, which said warrant shall be paid by the Territorial treasurer out of any funds in his hands not otherwise appropriated.

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

Approved November 29th, 1881.

AN ACT

TO PROVIDE FOR THE CARE, PAINTING AND REPAIR OF THE CAPITOL BUILDING.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the governor of the Territory shall be the custodian of the Capitol building and grounds and he is hereby authorized to have such repairs and painting done as he shall deem necessary, and shall let such work to the lowest responsible bidder.

SEC. 2. A sum not exceeding five hundred dollars is hereby appropriated for the payment of any painting or repairs of the capitol building, to be done in accordance with section one of this act. The Territorial auditor shall draw a warrant on the Territorial treasurer in favor of the governor for the cost of such painting and repair, not exceeding the sum of five hundred dollars in favor of the governor, and the Territorial treasurer shall pay the same out of any moneys in the treasury not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

CONCERNING PROCLAMATIONS ISSUED BY THE GOVERNOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That when the governor is authorized or required by law to issue a proclamation, payment for publishing the same shall be made out of the Territorial treasury.

SEC. 2. The Territorial auditor is hereby authorized to draw a warrant on the Treasury in favor of the person entitled to the same for such publication.

SEC. 3. The amount allowed any newspaper for the publication of a proclamation shall not exceed the sum of twelve dollars.

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

Approved Dec. 1st, 1881.

AN ACT

TO PROVIDE FOR THE PURCHASE OF SUITABLE DESKS AND FURNITURE FOR THE OFFICE OF TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and fifty dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated out of the Territorial treasury for the purchase of suitable and appropriate desks and furniture for the office of the Territorial auditor.

SEC. 2. The Territorial auditor is hereby authorized to purchase such proper desks and office furniture as shall, in his judgment, be necessary to the public service and the preservation of the official papers and records in his office: *Provided,* The cost of the same shall not exceed the said sum of one hundred and fifty dollars.

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

Approved November 29th, 1881.

AN ACT

TO APPROPRIATE MONEY FOR TERRITORIAL LIBRARY PURPOSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That a sum not to exceed forty dollars is hereby appropriated out of any money in the Territorial treasury, not otherwise appropriated, to pay for the construction of necessary shelves in the the council committee rooms to contain such books of the Territorial library as may be required.

SEC. 2. That it shall be the duty of the Territorial librarian to provide such material and labor as may be required to prepare such shelves, and, when completed, remove such books to said rooms as the governor may direct.

SEC. 3. When such work is complete the librarian shall certify to the same, also the cost thereof, and upon presentation of said certificate, it shall be the duty of the Territorial auditor to draw his warrant on the Territorial treasurer, in favor of said librarian, for the sum named in such certificate: *Provided,* That said sum shall not exceed forty dollars.

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

Approved November 16th, 1881.

 AN ACT

TO PROVIDE FOR THE PRINTING AND DISTRIBUTING CERTAIN LAWS
IN PAMPHLET FORM.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That C. B. Bagley be and he is hereby authorized and empowered to print one thousand copies each of the road, school, revenue and election laws in pamphlet form, immediately, and they shall be distributed by the Secretary of the

Territory among the various counties, in proportion to the population of each county. There shall be published an appendix to the school law, the rules and regulations for the government of schools and teachers adopted by the board of education, and the forms for proceeding under the Washington school law, and the communication of A. S. Barnes & Co., in regard to the prices of school books and the price list at which they will be furnished; and as an appendix to the road law the forms and notices adopted by the joint committee on the Code.

SEC. 2. Upon delivery of said laws in pamphlet form by the said C. B. Bagley, to the said secretary, the secretary shall certify the same to the Territorial auditor; and upon receipt of such certificate the Territorial auditor is hereby authorized to draw a warrant on the Territorial treasurer, in favor of said C. B. Bagley, in the sum of two hundred dollars. And the treasurer is hereby directed to pay the same out of any money in the treasury not otherwise appropriated; which sum shall be in full for the payment of the printing hereby authorized.

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

Approved Dec. 7th, 1881.

AN ACT

TO PROVIDE FOR THE TRANSPORTATION OF INSANE PERSONS TO THE ASYLUM AND FIXING THE RATE OF COMPENSATION THEREFOR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the costs of transporting persons to the insane asylum shall be paid by the Territory of Washington.

SEC. 2. That the persons adjudged insane must be conveyed to the asylum by the sheriff of the county in which such person or persons were adjudged insane, or by some person selected by the sheriff.

SEC. 3. That in case the probate judge shall deem it necessary, he may direct in the order adjudging the insanity of

any person or persons, that the sheriff may select one person as a guard to assist in conveying said person or persons to the Asylum.

SEC. 4. That the person so selected as a guard shall receive three dollars per day, and no more, for his services as such guard for the time necessarily employed by him in assisting to convey such insane person to the asylum, only, and in addition thereto he shall receive ten cents per mile both ways, computed by the nearest traveled route to the asylum from the county seat in which said person or persons were adjudged insane.

SEC. 5. That the sheriff shall receive five dollars per day, and no more, for the time necessarily employed in conveying insane persons to the asylum, and in addition thereto he shall receive ten cents per mile both ways, to be computed by the nearest traveled route to the asylum from the county seat in which such person or persons were adjudged insane.

SEC. 6. The said sheriff and guard shall each make out in writing an itemized account, showing the number of days necessarily employed in conveying said insane persons to the asylum, the route traveled, the number of miles traveled, as provided in sections four and five of this act, and shall verify the same by his oath. In addition thereto said sheriff or guard, conveying said insane person, shall make a like account of the amount necessarily paid out by him for the board and traveling expenses of the insane person or persons, and shall verify the same by his oath. Accounts so made out must be filed with the Territorial auditor.

SEC. 7. Whenever any patient is delivered to the asylum under the provisions of this act, the superintendent of the asylum shall give to the sheriff or guard delivering such patient, a certificate stating the name of the patient, from what county admitted and the court that committed the same.

SEC. 8. The Territorial auditor shall examine the sworn statement of the sheriff or guard, and the certificate of the superintendent of the hospital for the insane, and if he find the same correct he shall audit the same or any part thereof, and issue a warrant on the Territorial treasurer, who shall pay the same out of any money in the treasury not otherwise appropriated.

SEC. 9. This act to take effect and be in force from and after its passage and approval.

Approved November 29th, 1881.

LOCAL AND PRIVATE LAWS.

LOCAL AND PRIVATE LAWS.

AN ACT

TO INCORPORATE THE CITY OF OLYMPIA.

CHAPTER I.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the corporate limits of the city of Olympia, and the boundaries thereof, shall be as follows: Commencing at the north-west corner of section twenty-seven (27) in township eighteen (18) north, of range No. two (2) west; thence running north on section line, until it intersects the north boundary line of Benjamin F. Brown's Donation claim; thence east to intersect the north and south line between sections one (1) and two (2) in township eighteen (18) north, of range two (2) west; thence south to the north-east corner of section twenty-six (26) in township eighteen (18) north, of range two (2) west; thence west to the place of beginning. All situate, lying and being in the county of Thurston and Territory of Washington.

SEC. 2. The inhabitants of the city of Olympia, within the limits above described, shall be and they are hereby constituted a body politic and corporate in fact and in law, by the name and style of the "City of Olympia," and by that name and style, they and their successors shall be known in law, having perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions, suits or proceedings whatever, contract and be contracted with, have and use a common seal and alter or change the same at pleasure, receive property, real and personal, within said city, for public buildings, public works and city improvement, and may dispose of the same, in any manner for the benefit of the city, and may purchase property without the limits of the city to be used for burial purposes, or for the establishment of a hospital, for the reception of persons infected with contagious diseases.

CHAPTER II.

POWERS OF THE INCORPORATION.

SEC. 3. The city of Olympia has power:

First. To make all needful by-laws, ordinances and city regulations, not repugnant to the Constitution or laws of the United States and the laws of this Territory.

Second. To levy taxes for municipal purposes, not to exceed four mills on the dollar per annum upon all taxable property as shown by the assessment made for territorial and county purposes. But this shall not be construed as prohibiting the common council from the addition of ten per centum penalty on delinquent tax payers, or such other penalty as may be prescribed by the laws of the Territory, to secure the collection of taxes. The common council shall also regulate, by ordinance, the time of assessing and collecting said municipal taxes: *Provided*, That an additional tax of two and one-half mills may be levied in any one year, if such tax is voted by a majority of the tax payers of the city, and the common council shall have power to call a special election for that purpose.

Third. To prevent and restrain any disturbance or disorderly conduct, riot, drunkenness or any indecent and immoral practices within the limits of said city.

Fourth. To license, tax and regulate auctioneers, taverns, liquor saloons, beer halls and wholesale liquor houses, bankers, peddlers, brokers and pawnbrokers.

Fifth. To license, tax and regulate hacks, cabs, hackneys, carriages, wagons, carts, drays or other vehicles and to fix the rates thereof.

Sixth. To make regulations to prevent the introduction of contagious diseases into the city, to remove persons affected with such or other diseases therefrom to suitable hospitals, provided by the city for that purpose; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the city.

Seventh. To provide for the lighting of the streets with gas or other lights, and for the erection or construction of such works as may be necessary or convenient therefor.

Eighth. To provide for the support, restraint and employment of vagrants.

Ninth. To provide for the prevention and extinguish-

ment of fires, and for the preservation of property endangered thereby, and for the appointment or election of officers required for such purposes.

Tenth. To establish and maintain a day and night police or either of them.

Eleventh. To provide for the erection of a city jail, house of correction and work-house, and the government and management of the same.

Twelfth. To establish and regulate the fees and compensation of all officers of this municipal corporation, except when otherwise provided.

Thirteenth. To provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment, or by a forfeiture or penalty not exceeding one hundred dollars, and to provide for working any person sentenced to such imprisonment upon the streets or public squares during the term thereof.

Fourteenth. To appropriate money to pay the debts, liabilities and expenditures of the city, or any part or item thereof, from any fund applicable thereto: *Provided*, No appropriation shall be made for any purpose, in excess of the amount received by the treasurer for the current year; *Except* the city should at any time be visited by small-pox, cholera, or other dangerous and contagious disease, in consequence of which a necessity should arise for an extra expenditure of money, in order to prevent the spread of the contagion; to provide pest houses and proper care for the sick, and to employ all necessary means for the protection of the people, or in case of any extraordinary emergency arising from any damage caused by the elements, then, and only in such cases as are enumerated in this exception, the common council may cause warrants to be drawn on the city treasury in excess of the amount received by the treasurer for the current year.

Fifteenth. To provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks or streets, and to establish the grades of such streets.

Sixteenth. To license, tax, regulate and restrain theatrical and other exhibitions, shows, public amusements, billiard tables and bowling alleys, and to suppress bawdy houses, gaming and gambling houses.

Seventeenth. To make regulations and pass ordinances preventing domestic or other animals from running at large within the city limits.

Eighteenth. To license, tax, regulate and restrain the keeping of dogs within the city limits.

Nineteenth. To make harbor regulations and rules; to regulate or prevent the discharge of ballast or other material in any harbor within the city limits; to assess and collect harbor dues from all vessels and water craft whatever, arriving at or departing from the city; to license and tax wharfingers; and to build, construct, or authorize the construction of, and regulate wharves, piers, and landing places at the foot of any street terminating on Budd's Inlet within the city limits. And to regulate and prescribe the limits of the extension of wharves into the waters of any harbors within the city limits.

Twentieth. To grant the right of way to any corporation, company or individual to establish a line or lines of street cars through any of the streets of the city.

Twenty-first. To grant the right to any person, company or corporation to erect and maintain water-works for the purpose of furnishing the city with water, and may make such grant to inure for a term of not more than twenty-five years, and may authorize such person, company or corporation to charge and collect from each individual, supplied with water, such water-rent as may be agreed upon between the city and the person, corporation or company. And the city of Olympia is hereby empowered to enter into an agreement with the person, company or corporation owning or constructing such water-works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sums as may be agreed upon between said contracting parties; and may enact all ordinances necessary to protect such water-works from injury and the water from pollution.

Twenty-second. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to regulate the transportation and storage of powder, dynamite, nitro-glycerine or other combustibles, and to provide or license magazines for the same.

Twenty-third. To prevent and punish the fast or immoderate riding or driving of horses in the streets or alleys of the city.

Twenty-fourth. To control and regulate slaughter-houses, wash-houses and public laundries, and to provide for their exclusion from the city limits or any part thereof, and to control and regulate all offensive or noxious trades or occupations.

To prevent and punish fast or immoderate riding or driving in the streets or alleys of the city.

Twenty-fifth. To construct and repair sidewalks and to

remove obstructions from streets, alleys, sidewalks and sewers; and to levy and collect a special tax or assessments upon all blocks, lots or parcels of land fronting on such streets, alley or sidewalk, within the city limits, sufficient to pay the expense of such improvement, or repair or removal of obstructions, and for such purpose may establish districts, consisting of the blocks, lots or parcels of land fronting on the whole or such portion of the street, alley or sidewalk to be made or repaired, as may be deemed advisable. A lot or parcel of land shall be deemed to touch upon such alley, when such alley runs through it, or it shall touch upon such alley. But in no case shall such sidewalk be built, and such assessment be made, or tax levied to pay therefor, unless a majority of the property owners in such district shall, by petition to the common council, ask for the same, or two-thirds of the members of the common council assent thereto, by vote, at a regular meeting.

Twenty-sixth. To establish and regulate markets and to provide for the measuring or weighing of hay, coal or any other article of sale.

Twenty-seventh. To have and exercise such other powers and privileges, not herein specifically enumerated, as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States, or of the Territory, and as may be necessary to carry into effect the provisions of this act, according to the intent and meaning thereof.

CHAPTER III.

GOVERNMENT.

SEC. 4. The power and authority given to the city of Olympia, by this act, shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 5. For the purposes of municipal representation, the city shall be and is hereby divided into three wards as follows: All that part of the city lying north of Fifth Street and west of Cherry Street shall constitute ward number one (1). All that part of the city lying west of Cherry Street and south of Fifth Street, shall constitute ward number two (2). All that part of the city lying east of Cherry Street shall constitute ward number three (3).

SEC. 6. The mayor shall be elected by the city at large,

and shall hold his office for a term of one year, or until his successor is elected and qualified.

SEC. 7. The common council shall consist of six members, and each ward shall be entitled to elect two members of said common council, who shall hold office for the term of two years from and after their election, or until their successors are elected and qualified: *Provided*, That at the municipal election in 1882, each ward shall elect two members of the common council, designating upon their ballots, one to serve for two years and one to serve for one year; and at every succeeding annual election thereafter, there shall be elected from each ward one member of the common council, to serve for a term of two years, or until his successor shall be elected and qualified.

SEC. 8. There shall be elected, as hereinafter provided, a committing magistrate, city clerk, city marshal and city treasurer, who shall be officers of the municipal corporation. There may also be elected a city attorney and city surveyor.

SEC. 9. The common council shall annually, at the first regular meeting thereof, after the qualification of the new members elected at each annual city election, designate by ballot one of the justices of the peace for the precinct, including the city, who shall have been duly elected and qualified as required by law as committing magistrate of the said city. The committing magistrate shall have jurisdiction over all offenses, defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinances and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings before such committing magistrate, under and by authority of this act, shall be governed and regulated by the general laws of the Territory, relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court by *certiorari* or appeal the same as other cases.

SEC. 10. The city clerk, city treasurer, city marshal, city attorney and city surveyor shall be elected by the common council, by ballot, at the meeting mentioned in section nine and shall hold their respective offices for a term of one year, or until their successors are elected and qualified: *Provided, however*, That they shall be liable to be removed by the common council at any time, by a two-thirds vote, for malfeasance, misfeasance, inattention, incompetency or any other good cause.

CHAPTER IV.

ELECTIONS.

SEC. 11. A general election shall be held for city officers on the first Monday in April in each year.

SEC. 12. The common council shall appoint judges of election and provide all things necessary to hold a separate election in each ward, and if, for any cause, they fail to do so, any three legal voters of the ward may organize a board of election judges and hold an election according to law.

SEC. 13. No person shall be eligible to hold any office in the city, as contemplated by this act, unless he is an actual resident thereof and elector, and is the owner of real estate therein, or personal property to the value of two hundred fifty (250) dollars, as shown by the city assessment roll, and councilmen to be eligible in any ward, must be residents thereof.

SEC. 14. The city clerk shall keep a book in his office in which all voters in the city shall register their names, and the number of the ward in which they reside, at least thirty days before the annual election. And the said clerk shall provide the judges of election, in each ward, with a list of the registered voters in such ward, and none but voters thus registered shall be allowed to vote at any municipal election: *Provided*, That this section shall not be construed to require a voter, who has once registered, to register again, unless he has lost his residence or changed his ward: *And, provided further*, That any legal voter of the city, having failed to register, shall be allowed to vote, upon making affidavit in writing before the judge of the election, that he is otherwise, in all respects, a qualified voter of said city.

SEC. 15. No person shall be entitled to vote at any election, who shall not be an elector under the laws of this Territory, [qualified to hold Territorial offices], and who shall not have resided in the city thirty days next preceding the day of election, and who shall not have paid a poll-road tax into the city treasury for the fiscal year last past: *Provided*, That this section shall not be construed to apply to voters who shall become residents of the city prior to any election, and subsequent to the levying and collecting of the poll-road tax for the fiscal year in which such voter becomes such a resident, nor to persons over fifty years of age, nor to firemen.

SEC. 16. At all elections for city officers the vote shall be by ballot, at the time and place in each ward designated by the common council, and all elections shall continue for one day, during which time the polls shall be kept open from 9 o'clock, A. M., to five o'clock, P. M.

SEC. 17. The person who shall receive a plurality of votes for councilman or mayor, shall be declared elected, and the clerk shall issue to him a certificate of election, and on presentation of the same to the common council shall be sworn into office.

SEC. 18. The judges of election, in each ward, shall designate one of the clerks of the election, to make return of the vote in said ward to the city clerk, within twenty-four hours after the closing of the polls, and the city clerk and common council shall, immediately after the receipt of said returns by the city clerk, assemble at their regular place of meeting and canvass the vote; and the city clerk shall issue, under the signature of the mayor and seal of the city, certificates of election to the candidates having the highest number of votes, and, in case of a tie between any two candidates, it shall be decided by lot.

SEC. 19. Each officer, required to be elected or appointed under this act, shall, before entering upon the duties of his office, take the following oath of office, before any person competent to administer oaths: "I, (A. B.), do solemnly swear that I will support the Constitution of the United States and the Organic Act, and laws of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office of _____, during my continuance therein, so help me God."

CHAPTER V.

POWERS AND DUTIES OF OFFICERS.

SEC. 20. The common council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein, or by some ordinance of the city, conferred on some other officer.

SEC. 21. The common council shall fix the time and place for holding their stated meetings, and may be convened by the mayor at any time. The mayor and a majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, and in the absence of the mayor, five members shall constitute a quorum, and shall appoint one of their num-

ber president *pro tem.*, who shall perform all the duties required of the mayor.

SEC. 22. The common council may adopt rules for the government of the conduct of its members and its proceedings. It shall keep a journal of its proceedings, and on the call of any one of its members shall cause the yeas and nays to be taken and entered in its journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon a call of two-thirds of the members present. Its deliberations and proceedings shall be public.

SEC. 23. The common council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor.

SEC. 24. The mayor is the executive officer of the corporation, and is *ex-officio* president of the common council and shall preside over its deliberations when in session. He is not entitled to vote except in case of a tie, when he may give the casting vote. He shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules, and to an appeal to the common council.

SEC. 25. The common council shall take and approve all official bonds which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor for the faithful performance of his contract, and when it approves such bond it must immediately be filed with the clerk.

SEC. 26. Any ordinance which shall have been passed by the common council shall, before it becomes a law, be signed by the mayor, or in the absence of the mayor, by the president *pro tem.*

SEC. 27. The mayor and common council shall receive no compensation for their services.

SEC. 28. The committing magistrate of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and conditions as the common council may require, and he must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the city treasurer on the first of each and every month all city moneys, fines and costs by him collected during the month past, taking duplicate receipts therefor, one of which he must file with the city clerk, together with an itemized statement, under oath, of all fees, costs, fines and city moneys received by him during said month.

SEC. 29. The committing magistrate shall receive such fees or compensation as may be allowed him by ordinance, payable monthly out of the city treasury, upon warrant issued by the city clerk upon order of the common council.

SEC. 30. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the mayor or common council, and it shall be his duty to prosecute all violations of any of the city ordinances, when complaint is filed with the committing magistrate charging any person with having so violated any ordinance.

SEC. 31. It shall be the duty of the city clerk to keep a fair and correct journal of the proceedings of the common council and to file and keep all papers and books connected with the business of the common council.

SEC. 32. All demands and accounts against the city must be presented to the city clerk, with the necessary evidence in support thereof, and he must submit the same to the common council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem it just and legal.

SEC. 33. When the common council orders any demand or account to be paid, the city clerk must draw a warrant upon the city treasurer for the amount ordered to be paid, which warrant must be drawn on the special or general fund, appropriated therefor, except when such warrant is drawn for the purposes specified in the provisions of subdivision fourteenth, section three of this act. All warrants must be signed by the city clerk and countersigned by the mayor and sealed with the corporate seal of the city.

SEC. 34. The city clerk must keep proper books of account, showing therein the sums appropriated, the date thereof and out of which fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the finances of the city; he must also keep the journal of proceedings of the common council while in session, and a book of all ordinances passed by the common council, carefully enrolled and attested.

SEC. 35. The city clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall be *ex-officio* assessor, and, as assessor, shall prepare the assessment roll from the county assessment roll and perform all duties connected with such office, and shall perform all such other duties connected with his office, as city clerk, or city assessor, as may be prescribed by ordinance.

SEC. 36. The city clerk shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as the common council may require.

SEC. 37. The city treasurer shall be receiver of taxes, and must receive and keep all moneys that shall come to the city, by taxation or otherwise, and pay out the same only upon the warrant of the city clerk, of the common council, countersigned by the mayor.

SEC. 38. The city treasurer must keep an account with the general fund and a separate account with each special fund, that may be raised for any special object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

SEC. 39. The city treasurer must make a report of the receipts and expenditures of the common council at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper published in the city of Olympia.

SEC. 40. The city treasurer shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council.

SEC. 41. The city marshal is a peace officer, and must execute all process issued by the committing magistrate or directed to him by any justice of the peace of the Territory; he must attend regularly upon the sessions of the committing magistrate's court and the meetings of the common council. He has power, by and with the approval of the common council, to appoint one or more deputies, who shall possess the same power as their principal; he shall make arrests for breach of the peace, on the commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the Territory.

SEC. 42. The city marshal shall have and possess the power and authority to serve any and all process within the city. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison or house of correction, unless otherwise prescribed by ordinance.

SEC. 43. The city marshal shall be *ex-officio* tax collector, and shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the city treasurer monthly, taking duplicate receipts, one of which he shall file with the city clerk.

SEC. 44. The city marshal must keep a correct record of all arrests made by him or his deputy, showing the time, cause, or complaint upon which said arrest was made, and must make

a full and complete report in writing each month to the common council, and must on the first of each and every month pay to the city treasurer any and all city moneys collected by him as fees, costs, fines or taxes, taking therefor duplicate receipts, one of which he shall file with the city clerk.

SEC. 45. The city marshal shall, before entering upon the duties of his office, give a bond to the city, in such sum and conditions as may be required by the common council. He may require a bond from any deputy appointed by him, but he, as city marshal, shall be held on his official bond for any violation or omission of any deputy so appointed.

SEC. 46. The powers and duties of all other officers shall be prescribed by ordinance.

SEC. 47. The compensation or fees, of the city clerk, city attorney, city treasurer, city marshal and city surveyor, shall be fixed and regulated by ordinance.

SEC. 48. The official books and papers of all city officers shall be city property, and must be kept as such by such officers, during their continuance in office, and be delivered to their successors, and the official books and papers of any officer mentioned in this chapter, may be inspected at any time, by a committee of the common council, appointed for that purpose.

CHAPTER VI.

VACANCIES IN OFFICE.

SEC. 49. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, city clerk, city treasurer, city attorney, and city surveyor, shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of the common council, from the city for a period of ninety days. The office of city marshal, and committing magistrate, shall be deemed vacant, whenever the incumbent shall be absent from the city, without leave of the common council, for the period of twenty days, and the office of councilman shall be deemed vacant, whenever an incumbent shall fail to attend for six regular consecutive meetings of the common council, unless absent upon leave of the common council first obtained, or when he shall remove from or cease to be a resident of the ward for which he was elected; and any officer elected or appointed under and by authority of this act who shall fail to qualify by taking the oath of office, and filing his official bond, when a bond

is required, within ten days next succeeding his election or appointment, shall be deemed to have forfeited his office, and such office shall be deemed vacant.

SEC. 50. A vacancy in any office shall be filled by the common council at a regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

SEC. 51. An officer appointed to fill a vacancy must, within five days after being notified of the appointment by the city clerk, qualify therefor, in the manner of an officer elected, or he shall be deemed to have declined, and the office shall be considered vacant.

CHAPTER VII.

COLLECTION OF DELINQUENT TAXES.

SEC. 52. Whenever a municipal tax has been levied as provided in this act, every part thereof shall bear interest at the legal rate from the time it becomes delinquent, and it shall be a lien upon all real estate so taxed from the time of the levy thereof.

SEC. 53. The common council shall provide by ordinance within what time all taxes shall be paid to the city treasurer, and all taxes not so paid within such time are thereafter delinquent and must be collected as such.

SEC. 54. Within five days after such taxes have become delinquent, the city treasurer shall return the tax roll to the common council, designating thereon the taxes remaining unpaid.

SEC. 55. The common council shall order the city clerk to deliver the tax roll to the marshal, after annexing thereto a warrant directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon such roll in the manner provided by law, and pay the same to the city treasury, and return to the city clerk the warrant, with his proceedings endorsed thereon, and the receipt of the treasurer for all moneys collected thereby and paid into the city treasury.

SEC. 56. Such warrant, for the purposes of collecting such delinquent taxes, shall be deemed an execution against property and shall have the force and effect thereof against any person, firm or corporation against whom such taxes are levied or charged on the tax roll, and shall be executed and returned in like manner, except as in this chapter otherwise provided.

SEC. 57. If no personal property be found, whereon to levy the warrant, or, if that levied upon be not sufficient to satisfy the same, it may be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers and all expenses of sale.

SEC. 58. In case of a delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot, or part thereof, of such property for the tax levied thereon, and selling it separately, as provided by the laws of the Territory, regulating the sale of property for taxes, and the certificate of the marshal or person making such sale shall be given to the purchaser, as prescribed by said laws.

SEC. 59. Real property sold for delinquent taxes, within the corporate limits of the city, may be redeemed by the owner, or his successor in interest, or by any person having a lien or judgment, decree or mortgage on such property, or any part thereof, after the expiration of the time and in the manner prescribed by the laws aforesaid.

SEC. 60. When any land or town lots cannot be sold for the amount of taxes, interest and charges thereon, such lands or town lots shall be passed over and re-offered for sale before the close of sale, and if the same cannot then be sold for the amount, such lands or town lots shall be purchased by the city treasurer, for the amount due thereon, for the city.

SEC. 61. The common council may provide, by ordinance, within what time a warrant for the collection of delinquent taxes must be returned and may order an alias warrant to issue for the collection of any such taxes, not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant and collected as a part of the tax. The common council may prescribe by ordinance the fees and compensation for collecting delinquent taxes.

CHAPTER VIII.

MISCELLANEOUS PROVISIONS.

SEC. 62. The wards, streets and alleys, within said city limits, shall be under the exclusive control of the common council, who shall make all needful rules in regard to the improvement, repair, grading, cleaning, etc., etc., thereof, and for the

purposes of this act, said city shall not be included in any road district, but the road tax, due by law within the city, shall be collected as provided by ordinance.

SEC. 63. All resolutions and ordinances, calling for an appropriation of any sum of money exceeding two hundred dollars, shall lie over one meeting.

SEC. 64. That the "Inhabitants of the town of Olympia," a corporation organized and existing under an act of the legislative assembly of the Territory of Washington, entitled "An act to incorporate the Town of Olympia," approved November 9th, 1877, be, and the same is, hereby disincorporated and dissolved.

SEC. 65. All taxes heretofore levied by the Inhabitants of the "Town of Olympia," and remaining unpaid or delinquent, shall be paid to the "City of Olympia," as in this act provided for the payment of taxes, and such taxes may, by order of the common council, be collected from the person, firm or corporation, whether known or unknown, against whom the same was assessed, levied or charged by warrant, in the same manner, and with the same effect, provided in this act for the collection of delinquent taxes.

SEC. 66. All ordinances of the Inhabitants of the "Town of Olympia," in force when this act goes into effect, shall be, and remain, in full force after this act takes effect, and until the same are repealed by the common council of the "City of Olympia," and all rights vested, and liabilities incurred, under said corporation of the Inhabitants of the "Town of Olympia," or any ordinance of said Inhabitants of the "Town of Olympia," when this act takes effect, shall not thereby be lost, impaired or discharged.

SEC. 67. No member of the common council shall be allowed to contract with the city in any manner whatever, and any such contract shall be wholly void.

SEC. 68. This act shall take effect, and be in force, from and after its passage. But the present board of trustees, mayor, treasurer, clerk, and marshal of the "Town of Olympia," shall be the common council, mayor, city treasurer, city clerk and city marshal of the city government hereby established, until the mayor, common council and other officers shall be elected or appointed and qualified under the provisions of this act: *Provided*, That at the first regular meeting of said common council, after the passage of this act, they shall fix the amount and conditions of the bonds of all bonded officers in this act mentioned, and shall elect all officers in this act provided, not mentioned in this section, and fix the amount and condition of

such officers' bonds, and unless such officers file with the common council, the requisite bond within ten days after such meeting, then the respective offices shall be declared vacant, and the said common council shall elect other officers to fill such vacancies. The common council shall also, at said meeting, fix the fees or compensation of the officers by this act created.

Approved Dec. 1st, 1881.

AN ACT

TO CONFER A CITY GOVERNMENT UPON NEW TACOMA.

CHAPTER I.

OF THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the inhabitants of New Tacoma, Pierce county, Washington Territory, and their successors, within the limits hereinafter prescribed, are hereby constituted and declared to be a city corporation by the name and style of New Tacoma, and by such name shall have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits or proceedings whatever; may purchase, hold and receive property, both real and personal, within said city, for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for city parks, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons affected with contagious or other diseases, for work-houses, and for houses of correction; also, for the erection of water works to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter or break the same, or make a new one at pleasure.

SEC. 2. The corporate limits of New Tacoma shall be as follows: Commencing at the northwest corner of section five (5) in township twenty (20) north, of range 3 east; thence south along the west line of sections five (5) and eight (8) in said

township four hundred and eighty (480) rods to the southwest corner of the northwest one-quarter of said section eight (8); thence east four hundred and eighty rods to the center of section nine (9), township twenty north, of range 3 east; thence north to half or mean tide on Commencement Bay; thence in a northwesterly direction along the meanderings of said Bay to the section line dividing sections twenty-nine (29) and thirty-two in township twenty-one (21) north, of range 3 east; thence west to the northeast corner of the northwest one-quarter of the northwest one-quarter of section thirty-two (32) township twenty-one (21) north, of range 3 east; thence south three hundred and twenty rods to the Fifth Standard Parallel, and thence west to the place of beginning.

SEC. 3. The corporate city limits aforesaid shall not be included within any road district, nor shall the county commissioners of Pierce county have any jurisdiction over the expenditure of road tax collected therein; and so much of any county public road as lies within said corporate limits, shall be kept in repair by the council of said city. But the said council may by ordinance vacate said road or parts thereof, and conform the same to opened and established streets. Said city shall be a separate and independent road district under the exclusive control of the said city corporation. All road taxes, whether road poll or road property taxes, levied, assessed or collected by virtue of the general road and revenue laws of the Territory of Washington, within the corporate limits of said city, shall belong to said city, and be expended therein under the authority and direction of the common council thereof, upon county roads or parts thereof lying within said city limits and upon the streets and alleys of said city. The rate of taxation for road purposes shall be ascertained and be the same as fixed or levied for road purposes under the general laws of the Territory, but the time for demanding and collecting the same, whether road poll or road property taxes, shall be as prescribed by city ordinances. To secure to said city the full enjoyment of said road fund or tax, the city assessor may be authorized by ordinance at any time to make a full list of all persons within said city limits liable to road tax, both poll and property, and the road poll tax may be demanded and collected at such time as shall be fixed by ordinance. As soon as the annual assessment shall have been returned and corrected, and filed with the county auditor of Pierce county, it shall be the duty of the city clerk to present said road list to the said county auditor, who, at the cost and expense of said city, shall transcribe to said list the assessed value of all taxable property within said city and the amount of road property tax due thereupon within said city limits. Said property road tax may forthwith be demanded, collected and disbursed as aforesaid, within said city limits, in accordance with city ordin-

nances directing the appropriation of said road fund. The city may appropriate from its general municipal fund money to aid in the opening of streets or work upon roads or bridges within city limits, but the said city shall not be entitled to receive from the county of Pierce any appropriation of county funds in aid of roads or bridges within the corporate limits of said city. Delinquent road taxes due within said city are collected as other delinquent road taxes are collected under the general laws of the Territory; and all road taxes, whether road poll or road property, levied or assessed within said city limits, paid to the county treasurer when other taxes are paid, or collected as delinquent or redeemed delinquent taxes, less the commissions for, or expenses of collecting, shall be paid by said county treasurer to the city treasurer on demand made by the latter.

CHAPTER II.

OF THE GOVERNMENT OF THE CITY.

SEC. 4. The power and authority given to the city government of New Tacoma by this act shall be vested in a mayor and common council, together with such other officers as are in this act constituted or may be created under its authority.

SEC. 5. For the purposes of municipal representation said New Tacoma is hereby divided into two wards, designated and bounded as follows: First ward shall include all that part of the said city lying and being north of South Ninth street; and second ward, all that part of the city lying and being south of said South Ninth street.

SEC. 6. Each ward herein established, and any additional ward that may be hereafter established, is and shall be entitled to elect three members of the common council. At the municipal election in 1882, each ward shall elect three common councilmen, designating upon their ballots, one to serve for one year, one to serve for two years, and one to serve for three years. And at every succeeding municipal election thereafter, there shall be elected from each of said wards one councilman to serve for the term of three years.

SEC. 7. The mayor shall be elected for two years, and shall hold his office until his successor is elected and qualified.

SEC. 8. There shall be elected as hereinafter provided, a committing magistrate, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, harbor mas-

ter, assessor and collector, who shall be officers of the municipal corporation. The marshal shall be elected by the qualified voters of the corporation, and shall hold his office for one year, or until his successor is elected and qualified. The common council shall annually, at the first regular meeting thereof, after the qualification of the new members elected at each annual city election, designate one of the justices of the peace for the precinct including said city, who shall have been duly elected and qualified as required by law, committing magistrate of the city; said committing magistrate shall have jurisdiction over all offenses defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings before such committing magistrate, under and by authority of this act, shall be governed and regulated by the general laws of the Territory, relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court, by *certiorari* or appeal, the same as other cases. The attorney, clerk, treasurer, health officer, surveyor, street commissioner, harbor master and the assessor and collector shall be elected by the common council at the meeting above specified, and they shall be liable, at any time, to be removed by the council for malfeasance, misfeasance, inattention or incompetency. Nothing in this section contained shall be construed as prohibiting the election of one and the same person to two or more of said offices, where the duties of such are not incompatible.

SEC. 9. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment is not an elector according to the laws of the Territory, and who has not resided in the city for the six months next preceding such election or appointment. Nor shall any person be eligible to the common council, except he be a resident of the ward at the time he is chosen; removal from the ward for which he was elected shall disqualify him as a member of the common council.

CHAPTER III.

OF ELECTIONS.

SEC. 10. The annual municipal election for officers required to be elected under this act shall be held on the first Monday of May of each and every year.

SEC. 11. No person shall be entitled to vote at any municipal election, annual or special, who is not a qualified elector, for Territorial and county officers according to the law of the Territory of Washington, and who shall not have resided in said city for the six months next preceding the day of election.

SEC. 12. That at all elections for city officers the vote shall be by ballot at the time and place designated by the common council. The council shall designate one place in each ward for holding the election therein, and appoint three judges and two clerks of election for each ward.

SEC. 13. The city clerk, under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in said city of such municipal election, the officers to be elected, the place designated for holding the election and the judges and clerks appointed to conduct the same.

SEC. 14. All elections shall commence at ten o'clock A. M. and continue until seven o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters of the ward, then present, may elect another in his place; and if any clerk of election fails to attend at the proper time, the judges of election may appoint another in his place. The mayor and marshal shall each be elected by the qualified electors of the whole city, and the councilman by the qualified voters of each ward from which chosen.

SEC. 15. Judges and clerks of election must possess the qualifications of voters in the ward where they act as such, but a mistake or error in this respect, or a failure to give the notice required by section 13, shall not invalidate any election otherwise legal.

SEC. 16. On the first regular meeting of the council next after such election the returns thereof shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the presiding officer of the council and attested by the clerk, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected, and to what office.

SEC. 17. After such statement of the canvass is filed, the clerk shall make and sign within two days thereafter, a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 18. A certificate of election is *prima facie* evidence

of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members; a contested election for any other office must be determined according to the laws of the Territory, regulating proceedings in contested elections for county officers.

SEC. 19. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly except as otherwise provided by this act; and by such time such person must qualify by taking and filing the oath of office, and give such official bond for the faithful performance of his duties as may be required, or he shall be deemed to have declined and the office shall be considered vacant.

SEC. 20. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect: "I, A. B., do solemnly (swear or affirm) that I will support the Constitution of the United States and the organic Act of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office—, during my continuance therein. So help me God." If the person affirms, instead of the last clause there must be added: "and this I promise under the pains and penalties of perjury."

SEC. 21. All laws of this Territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER IV.

VACANCIES IN OFFICE.

SEC. 22. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required; the office of mayor, clerk, treasurer, assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of council, from the city for a period of sixty days; the office of marshal and the committing magistrate shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of council, for the period of twenty days; the office of the councilmen shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council, first obtained, or when he shall remove from or cease to be a resident of the ward for which elected.

SEC. 23. A vacancy in any office shall be filled by the council at a regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

SEC. 24. An officer appointed to fill a vacancy must, within five days after being notified of the appointment by the clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER V.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 25. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city, not herein or by some ordinance of the city, conferred on some other officer.

SEC. 26. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time, upon a day's notice given to each of the members.

SEC. 27. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

SEC. 28. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings, and on the call of any one of its members, must cause the yeas and nays to be taken and entered in its journal, upon any question before it; but upon a question to adjourn the yeas and nays shall not be taken, unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 29. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may by a two-thirds vote expel a member.

SEC. 30. The mayor is *ex-officio* president of the council, and presides over its deliberations when in session. He is not entitled to vote, except in cases of a tie, when he may give the casting vote; he shall preserve order, enforce the rules of the

council, and determine the order of business subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting or until the mayor attends.

SEC. 31. On the tenth day next following the annual municipal election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 32. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof, within the meaning of this act. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

SEC. 33. The style of every ordinance shall be, "The common council of New Tacoma does ordain as follows."

CHAPTER VI.

POWERS OF THE CORPORATION.

SEC. 34. The city government of New Tacoma, within its incorporated limits, has power and authority:

1. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum, upon all property, both real and personal, within the city, which is by law taxable for Territorial and county purposes;

2. To make regulations for prevention of accidents by fire, to organize and establish a fire department; ordain rules for government of the same; to provide fire engines, and other apparatus, and a sufficient supply of water;

3. To purchase or condemn and enter upon and take any lands within or without the corporate limits, for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work-houses, or houses of correction, or any other proper and legitimate municipal purpose, and to enclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this subdivision, and of all streets, highways, squares and other public grounds within its limits, established

or appropriated to public use by authority of law, or which have been or may be hereafter dedicated to public use by any person or persons; and has power, in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same, and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city or the public, existing prior to such conveyance. But when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners;

4. To provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor;

5. To provide for clearing, opening, graveling, improving and repairing of streets and highways and alleys; and for the prevention and removal of all obstructions therefrom, or from any crossing or sidewalk; also to regulate cellar ways and cellar lights on sidewalks within the city; and to provide for clearing the streets; also for constructing sewers and clearing and repairing the same;

6. To construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any street, highway or alley therein, at the cost and expense of the owners of the lots and parcels of land fronting on such street, highway or alley. But unless the owners of more than one-half of the property, fronting upon the proposed improvements upon such street, highway or alley shall have petitioned the Council to make the same, such improvement shall not be made;

7. To cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city Council, with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done by the city at the expense of the owner, and the amount collected by action, in the name of the city, in any court having jurisdiction;

8. To prescribe by an ordinance the mode by which the charge on the respective owners of lots or lands shall be determined for the purposes authorized by this Act. Such charge may be collected by civil action in the name of the city. In such proceedings it shall be sufficient to declare generally for work and labor done and materials furnished on the particular lot, parcel of land, street, highway or alley. If the court try-

ing the same shall be satisfied that the work has been done, or the material furnished, which according to the true intent and meaning of this Act would be properly chargeable to the owner of the lot of land, through or by which the street, highway or alley improved or repaired may pass, judgment shall be rendered for the value of the work or materials performed or furnished on such lot of land, notwithstanding any informality or defects in the proceedings of the officers of the city. In such actions the city shall be entitled to recover in addition to the amount, interest thereon at ten per cent. per annum, from the time said work was done or materials furnished, together with five per cent. per annum to defray the expenses of collection, which shall be included in the judgment rendered;

9. To provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets; and to establish the grades of all streets within the city; and to lay off, widen, straighten, change, extend, vacate and establish streets, highways and alleys and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes; and to authorize or forbid the location and laying down of tracks for railways and street railways on all streets, alleys and public places; but no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley or public place upon which the track is proposed to be located and laid down has been ascertained and compensated;

10. To erect and maintain water works within or without the city, or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water; but no such works shall be erected by the city, until a majority of the voters of the city, at a general or special election, assent thereto;

11. To make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such or other diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the restraint and employment of vagrants; to restrain and punish any disturbance or any unlawful or indecent practice, and to define what shall constitute the same;

12. To make regulations and pass ordinances preventing domestic and other animals from running at large; and to license, tax, regulate and restrain the keeping of dogs within the city limits; and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceeding; or may authorize their destruction;

13. To regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may

be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all such callings, trades and employments as the public good may require to be licensed and regulated, as are not prohibited by law;

14. To establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests with or without warrants within the limits of the city; to summon aid and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders;

15. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein; to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire-arms, fire-crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; to compel all persons erecting or maintaining privies or cesspools within one hundred feet of any street in which a sewer has been or may hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of gas lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other

purposes; to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues, and the naming of streets and avenues; to provide for cleaning and sprinkling of the streets, and to punish those who shall refuse so to do; to prohibit persons from roaming the streets at unreasonable hours;

16. To license, tax, regulate and restrain bar-rooms, drinking shops or saloons, tipping-houses, billiard tables, pool tables, pigeon hole, jenny lind and other gaming tables kept for hire, and bowling alleys: *Provided*, That no law or part thereof authorizing any tribunal or officer of Pierce county to grant licenses for any of the privileges enumerated in this subdivision shall apply to persons within the city limits of New Tacoma; and all such licenses paid to the city shall be at the same rate and in lieu of the license required by the general law of the Territory for such houses, business or privilege: *And provided further*, That no license shall be granted, except upon the following conditions, viz: The person wishing to apply for license to sell spirituous or malt liquors, shall accompany his petition with a bond to the said city, in the sum of five hundred dollars, with two or more sureties to be approved by the common council, conditioned that he will keep an orderly house and comply with all the requirements of this act and of the ordinances of said city, and the laws of the Territory. No license shall be granted for less than six months nor more than one year; nor shall any license to sell spirituous or malt liquor be granted to any minor under the age of twenty-one years; nor to any person who shall permit women or girls, other than members of his family to frequent his place of business, either as customers, servants, waiters, waitresses, dancers, singers, actors or musicians or for purposes of attracting custom: *Provided always*, That if after license to keep any house, business or table herein before mentioned shall have been granted, the person to whom such license has been granted, or any one in his employ, or suffered by him so to do, shall give, sell, or in any manner dispose of any such liquor to any common drunkard, or to any intoxicated person, or to any minor under the age of twenty-one years, or shall permit any woman, other than a member of his family, or any minor to frequent such place of business, or play at cards, pool, billiards or any game whatever, whether for value or amusement, the common council, upon the sworn complaint of the marshal, or any person whatsoever, sustained by proof, shall revoke the license, and shall not grant another license to such person within a year from the date of such revocation; and the party whose license is so revoked shall be deemed to have for-

feited any privilege during the unexpired term for which such license was granted: *And, provided,* That the revocation of the license shall not in any manner relieve the person to whom the same was granted from any penalty prescribed by ordinance for violation of this act, or any statute of Washington Territory: *And, provided,* That one-third of the liquor and beer licenses shall be paid by the city treasurer, on receipt thereof, to the county treasurer of Pierce county, for the general county fund.

17. To suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to indulge the habit of smoking opium, and to provide by ordinance for the summary closing of such places, houses or rooms;

18. To regulate the burial of the dead and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city;

19. To establish and regulate markets; to provide for the measuring or weighing of hay, coal, or any other article of sale;

20. To levy and collect a special tax, not to exceed one per centum in any year, upon all the property assessed by authority of subdivision one of this section, for any purpose within the authority of the corporation, including the payment of any existing debt; but the ordinance providing therefor must specify the object thereof and the estimated amount therefor, and the indebtedness of the city must never exceed in the aggregate the sum of ten thousand dollars, and any debt or liability incurred in excess of said sum of ten thousand dollars shall be invalid and void;

21. To adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act; and to provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both; or by a forfeiture or penalty not exceeding one hundred dollars; and for working any person sentenced to such imprisonment, or committed in default of payment of any such fine and the costs of prosecution, upon the streets or public squares during the term thereof, a day's labor being accepted as an equivalent for two dollars in payment of such fine and costs;

22. To make harbor regulations and rules; to prescribe and collect harbor dues from all vessels and water craft whatever, arriving at or departing from the city; to license and tax wharfingers; and to build, construct and regulate wharves, piers and landing places;

23. To establish and regulate the fees and compensation of all its officers, except when otherwise provided; and such other powers and privileges not herein specifically enumerated, as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States or of this Territory, and as may be necessary for carrying into effect the provisions of this act according to the true intent and meaning thereof.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 35. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in July, to communicate by message to the common council a general statement of the condition and affairs of the corporation, and to recommend adoption of such measures as he may deem expedient and proper, and to make special communications to the council from time to time as he may think proper and useful.

SEC. 36. The mayor shall take and approve all official bonds, which the ordinances of this city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor for the faithful performance of his contract, and when he approves such bond he must immediately file the same with the clerk.

SEC. 37. He shall perform such other duties and exercise such other authority as may be prescribed by this act, any city ordinance, or any law of the United States or of this Territory.

SEC. 38. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval; if he approves, he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the said objections to be entered on their journal, and shall proceed to reconsider the said ordinance. If, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law.

SEC. 39. During any temporary absence of the mayor from the city, or if he be unable for any reason to act, the council shall elect one of their own members, who shall be the acting mayor, and perform all the duties of such office during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 40. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council.

SEC. 41. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the city council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 42. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall, by a vote, direct whether the same shall be paid, or any part thereof.

SEC. 43. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

SEC. 44. The clerk must keep proper books of account, showing therein all sums appropriated, the date thereof, and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.

SEC. 45. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city, by taxation or otherwise, and pay out the same upon the warrant of the mayor attested by the clerk.

SEC. 46. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 47. The treasurer must make a report of the receipts and expenditures, to the common council, at the first regular

meeting in the months of December and June of each year, which report shall be published in any newspaper published in the city.

SEC. 48. The assessor must annually make a correct list of all the property subject to taxation by the city, with the valuation thereof, and certify and return the same to the clerk.

SEC. 49. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous they must correct it. The party applying for such correction may be examined as a witness in relation to the matter if he desire it, or the council require it.

SEC. 50. The assessment of property must be made in the manner prescribed by law for assessing property for Territorial and county taxes; but the form of the assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment and return thereof, and of applying to the council for revision thereof must be prescribed by ordinance.

SEC. 51. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer, monthly.

SEC. 52. The marshal is a peace officer and must execute all process issued by the committing magistrate of the city, or directed to him by any magistrate of the Territory; he must attend regularly upon the court of said committing magistrate, and the meetings of the council. He has power by and with the approval of the council to appoint one or more deputies, who shall possess the same power. He shall make arrests for breach of the peace or of a commission of a crime or misdemeanor within the city limits with or without a warrant, as a peace officer may do under the laws of the Territory. He shall exercise a vigilant control over the peace and quiet of the city, and is keeper of the city jail or house of correction, unless otherwise prescribed by ordinance.

SEC. 53. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the city council, or whensoever demanded by said council.

SEC. 54. The committing magistrate of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and conditions as the council may require. He must keep a proper account of all fines, costs, or

other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly all city moneys and fines by him collected, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 55. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 56. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 57. The official books and papers of any officers mentioned in this act may be inspected at any time, by a committee of the council appointed for that purpose.

CHAPTER IX.

ORDINANCES.

SEC. 58. All ordinances and resolutions, or orders for the appropriation or payment of money, shall require, for their passage and adoption, the concurrence of a majority of all the members of the council; no ordinance shall refer to more than one subject, which shall be clearly expressed in its title; and no ordinance or section thereof shall be revised or amended, unless the new ordinance contains the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 59. All ordinances after their approval shall be forthwith recorded in a book kept for that purpose, which record shall be authenticated by the signature of the presiding officer and the clerk. All those of a general and permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made. All such ordinances shall take effect and be in force at the expiration of five days after they have been published.

CHAPTER X.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 60. The assessor shall, when directed by the common council, make out a list of all persons within the city, liable to

pay a road tax, and return such list to the council; said list of names shall be given to the collector, and he shall at once proceed to collect such road poll tax, together with the municipal tax levied for the year, from each person upon said list. The collector shall place upon his list the names of all persons found within the city, liable to pay such road poll tax, who shall fail to produce a receipt for the payment of a road poll tax for the current year, and shall demand the amount due from each person named upon the list. All penalties and forms prescribed by the laws of the Territory for the enforcement and collection of road taxes, shall apply to the collection of such taxes within said city limits.

SEC. 61. Whenever any general or special tax has been levied, as provided and authorized in this act, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected.

SEC. 62. The council must provide by ordinance within what time all municipal taxes, whether general or special, may be paid to the treasurer; and all taxes not paid to the treasurer within such time, are thereafter delinquent taxes, and the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 63. The council must thereafter order the clerk to deliver the tax roll to the collector, and issue and annex thereto a warrant, directed to the county treasurer or collector of delinquent county and Territorial taxes, authorizing the collection of the delinquent taxes upon such roll, in the manner provided by law for the collection of delinquent Territorial and county taxes, and thereafter all proceedings for the collection of such delinquent taxes, shall be as regulated and prescribed in the laws of the Territory relating to the collection of delinquent taxes.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SEC. 64. The city is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, and made in writing, and by order of the council, signed by the clerk or some other person in behalf of the city, thereunto duly authorized; but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 65. The city shall not be liable to any one for any loss or injury to person or property, growing out of any casualty or accident happening to such person or property on account of the condition of any street or public grounds therein. But this section does not exonerate any officer of the city, or any person from such liability, when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law or by gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 66. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by ordinance; and an ordinance making an appropriation of money, must not contain a provision upon any other subject, and if it does, such ordinance as to such provisions shall be void.

SEC. 67. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 68. The fiscal year of the city shall commence on the first day of July, and end on the last day of June of each year.

SEC. 69. In any action, suit or proceedings in any court concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax or proceedings thereon, such assessment, levy, consequent proceedings, and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion of the council, such discretion or judgment when exercised or declared is final, and cannot be reviewed or called into question elsewhere.

SEC. 70. All ordinances passed and acts done and performed under the town corporation, known and styled "The inhabitants of the Town of New Tacoma," pursuant to the incorporation made under the act entitled "An act to provide for the incorporation of towns," approved November 29, 1871, or either or any of them, in force when this act takes effect, and not inconsistent therewith, or with the laws of Washington Territory, shall be and remain in full force after this act takes effect, and thereafter with like effect as ordinances passed by the common council of New Tacoma until repealed. All rights vested or liabilities incurred under either of such ordinances or acts of said town corporation when this act takes effect shall not thereby be lost, impaired or discharged; but any and all acts lawfully performed by said town corporation by virtue thereof are hereby ratified and legalized.

SEC. 71. The mayor and councilmen shall not receive any compensation for their official services.

SEC. 72. No street, highway or alley shall be extended, widened, altered or vacated, except on petition to the city council, signed by a majority of the resident owners of real estate within the block or blocks in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated.

SEC. 73. When the grade of any street, highway or alley shall have been established by authority of the city, and any person or persons shall have built or made improvements on such street, highway or alley, and the city shall afterward change the established grade or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property, which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage; and when the parties interested are unable to agree with the city council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property, and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties according to the best of their ability; they shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment; they shall assess the damage sustained over and above the additional value of the property, by reason of the change or improvement; they shall sign their report and deliver the same to the clerk of the district court, holding terms at the county seat of Pierce county, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed, and the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk of said district court, shall, upon filing a written preceipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term; the party claiming damages shall be the plaintiff, and the city shall be the defendant; the usual pleadings in a civil action may be filed or such special pleadings as the court shall allow, and the issue thus formed shall be tried as other civil actions, the costs to be taxed against the city when the judgment is for a larger amount than was awarded by the appraisers, or the cause has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

SEC. 74. When private property shall have been con-

demned, and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, the appraisement of damages to be paid to the owners of the property condemned shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment, after ten days' notice so to do, which notice shall be given in the manner to be prescribed in the ordinance, providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn, and shall report within the time and in the manner prescribed for appraisements in the preceding section; this award shall be final unless appeal is made within twenty days from the time of the return thereof to the district court. Any person aggrieved by the award, may, upon filing a precipe therefor, have the case docketed for trial at the next term of court; when the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair charges upon property, the city shall be plaintiff and the owner of the property defendant; the issue shall be made up, the case tried and determined, and costs [taxed] as provided in the preceding section, provided that all costs taxed against the city, and all costs of the appraisements and other proceedings under this section, shall be added to the gross amount to be collected from the several property holders, in the same proportion as said gross amount, and said judgment and costs shall be a lien upon the property therewith charged.

SEC. 75. In all other cases where private property is condemned, or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be determined in the manner provided by the general laws of this Territory, relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 76. This charter shall go into effect upon its approval by the Governor. But the present board of trustees, and all the officers of the town of New Tacoma, shall be the officers of the city government hereby established, until the mayor, common council, town marshal and other officers shall be elected or appointed and qualified under the provisions of this act. The president of said board, from and after the approval of this act, shall be acting mayor of said corporation, until a mayor shall be elected at the annual election, on the first Monday of May, 1882; and he may vote as a councilman dur-

ing his said term of office, notwithstanding the language used in this charter prescribing the duties of mayor. The present board of trustees shall constitute the common council of New Tacoma until said election in May, 1882. At their first regular meeting after the passage of this act, the present board of trustees shall elect another councilman, preferring a resident of a ward, as herein defined, which has the least representation in said council; said common council, consisting of six including the acting mayor shall continue to act until the qualification of the common council elected at the first annual municipal election under this charter.

Approved November 5th, 1881.

AN ACT

TO INCORPORATE THE CITY OF DAYTON.

CHAPTER I.

THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the corporate limits of the city of Dayton and the boundaries thereof shall be as follows, to wit: Beginning at the north-east corner of section thirty in township ten north, of range thirty-nine east; thence west forty rods; thence north eighty rods; thence west one hundred and twenty rods; thence south eighty rods; thence west one hundred and sixty rods; thence south two hundred and forty rods; thence east two hundred and forty rods; thence south eighty rods; thence east one hundred and sixty rods; thence south eighty rods; thence east eighty rods; thence north one hundred and sixty rods; thence west eighty rods; thence north eighty rods; thence west eighty rods; thence north one hundred and sixty rods to the place of beginning, all in the county of Columbia, and Territory of Washington.

SEC. 2. The inhabitants of the city of Dayton, within the limits above described, shall be and they are hereby constituted a body, politic and corporate, in fact and in law, by the name and style of the "City of Dayton," and by that name and style they and their successors shall be known in law, have perpetual

succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions, suits or proceedings whatever, contract and be contracted with, and have and use a common seal, and alter or change the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Dayton has power to assess, levy and collect taxes for general municipal purposes, not to exceed one-half per centum per annum, upon all property, both real and personal, within the city, which is by law taxable, for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes, exclusive of assessments for improvements, as in this act is hereinafter provided, shall not exceed in any year one and one-half per centum, per annum on the property assessed.

SEC. 4. The city of Dayton shall have power to make regulations for the prevention of accidents by fire. To organize and establish fire departments and make and ordain rules for the government of the same. To provide fire engines and other apparatus and to levy and collect special taxes for that purpose not to exceed in any one year, one-fifth of one per centum upon the taxable property within the corporate limits of the city.

SEC. 5. The city of Dayton has power to purchase, or condemn, and enter upon and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses, or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per centum in any year. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be, dedicated to public use, by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such

property executed in the same manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 6. The city of Dayton has power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance, and for the erection or construction of such works as may be necessary or convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within such districts or limits benefited by such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this section, and all such taxes shall be assessed upon and collected only from property within said districts or limits.

SEC. 7. The city of Dayton shall have power to provide for clearing, opening, graveling, improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any cross or sidewalk, also to regulate cellarways, cellar lights and sidewalks within the city, and to provide for cleaning the streets, and for constructing sewers, and cleaning and repairing the same, and shall have power to assess, levy and collect each year a road-poll tax of not less than four nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except active or exempt firemen and persons that are a public charge; also a special tax on property of not less than two, nor more than six, mills on every dollar's worth of property within the corporate limits of the city, which taxes shall be expended for the purposes specified in this section, and there shall not be levied, or collected, by the county of Columbia, or the officers thereof, any road tax or road poll tax upon the property or inhabitants within the city.

SEC. 8. The city of Dayton shall have power to construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any street or streets, highway or highways, alley or alleys, within the city or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expense of such improvement, and for that purpose may establish assessment districts, consisting of the whole, or any portion, of such street or streets, highway or highways, alley or alleys, or of several streets, highways and alleys as may be deemed advisable. But unless the owners of more than one-half of the property subject to assessment for such improvement, petition the council to make the same, such improvement shall not be made

until a majority of five-sevenths of all the members of the council by vote authorize the making of the same.

SEC. 9. The city of Dayton shall have power to cause any lot of land within the city limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause any vault upon any lot or block, within the city to be cleaned, when necessary, and in case of failure, or refusal, of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council, with reference to such matters after such notice, as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

SEC. 10. The city of Dayton shall have power to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvements authorized by this section to be applied on compensation of property so condemned or damaged, or to authorize or prevent the location and laying down of railway tracks and street railways on all streets, alleys and public places, and no railway track can thus be laid down until the injury to property abutting upon the street, alley or public place, upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section 122 of this act.

SEC. 11. The city of Dayton shall have power to erect and maintain water-works or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, or five-sevenths of the members of the city council by vote assent thereto.

SEC. 12. The city of Dayton shall have power to construct or authorize the construction of such water-works within or without the limits of the city, and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains, used in and necessary for the construction, main-

tenance and operation of the same, and over the stream or source from which water is taken for five miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 13. If the right to construct and operate such water-works is granted to private individuals or incorporated companies by said city, it may make such grant to inure for a term of not more than twenty-five years, and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between said persons or corporation in building such works. And said city is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 14. Said city is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water-works, and if it shall authorize the construction and operation thereof by individuals or private corporations, it may confer by ordinance upon such person or persons, or corporation, the said power to take and appropriate private property for such purpose.

SEC. 15. The city of Dayton shall have power at the regular time for levying taxes in any year, to levy and collect a special tax not exceeding one-half of one per centum upon the taxable property within the corporate limits of the city for the purpose of constructing such water-works: *Provided*, That no such tax shall be levied or collected for the purpose of aiding any private individual or corporation, and when such work shall have been constructed, said city shall have power to assess and collect, from time to time, in such manner as the city council may deem equitable, from each tenement, or other place supplied with water, such water rent as may be deemed reasonable, and at the regular time for levying taxes in each year to levy and collect, in addition to the tax already authorized by this section, a special tax on the taxable property within the city limits, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works, and if the right to construct, maintain and operate such water-works shall be granted to private persons or corporation by the city, and the city shall contract with such person, persons or corporation for supply of water for any purpose, said city shall levy and collect, each year, a special tax sufficient to pay such water rent to

such persons or corporation: *Provided, further,* That said taxes shall not exceed one-half of one per centum upon the taxable property within said city limits.

SEC. 16. The city of Dayton shall have power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbance, or any unlawful or indecent practices.

SEC. 17. The city of Dayton shall have power to make regulations and to pass ordinances to prevent animals from running at large within said city limits, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceeding, or to authorize their destruction.

SEC. 18. The city of Dayton shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire or for the transportation of persons or property for hire and to prescribe and fix the rates thereof; to license, tax and regulate, or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers; to license, regulate or restrain drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of in less quantities than one gallon. (*Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medicinal purposes.) To license, tax and regulate wash-houses, and to prescribe and designate places for carrying on the same; and to license and tax hotels, restaurants, lodging houses, livery stables, business houses and wholesale and retail establishments of every kind and description: *Provided,* That no tax shall be imposed or license required for the sale of any of the actual products of the country; nor shall any license be required of wheelwrights, carpenters, blacksmiths, boot and shoemakers, tailors, milliners, and dressmakers.

SEC. 19. The city of Dayton shall have power to establish and maintain a day and night police and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants and within or without the limits of the city, and such police officer shall also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and

in all cases where arrests are made for offenses against the general laws of the Territory, such police officers shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services.

SEC. 20. The city of Dayton shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill fame and gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling; to regulate the transportation, storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same; to prevent and punish immoderate or fast riding or driving horses and other animals through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and the persons and property of the inhabitants thereof, and to preserve peace and order therein.

SEC. 21. The city of Dayton shall have power to provide cemeteries and to regulate the burial of the dead and to prevent any interments within the limits of the city, and to cause any body interred within the city limits to be taken up and buried without the limits of the city, and shall have power to establish cemeteries or burial grounds without the city limits and have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 22. The city of Dayton shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 23. The city of Dayton shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act and to provide for the punishment of violation of ordinances of the city by fine, not exceeding one hundred dollars, or imprisonment for not more than thirty days, or by both fine and imprisonment, or by forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment, or committed in default of payment of any such fine or costs upon the streets or public grounds of said city, during the term thereof.

SEC. 24. The city of Dayton shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and shall have such other powers and privileges, not herein specially enumerated, as are incident to municipal corporations of like character and degree not

inconsistent with the laws of the United States, or of this Territory, and as may be necessary for carrying into effect the provisions of this act according to the true intent and meaning thereof.

CHAPTER III.

GOVERNMENT.

SEC. 25. The power and authority hereby given to the city of Dayton by this act shall be vested in a mayor and common council, together with such other officers as are in this act mentioned or may be created under its authority.

SEC. 26. The common council shall consist of seven members. They shall be elected for two years, and shall hold their office until their successors are elected and qualified: *Provided*, That at the city election in July, 1882, three of said members shall be elected and hold their office for one year only, and the city council shall, on or before the first day of June, 1882, divide the city into not more than seven wards, and shall at the same time apportion the members among the several wards, to be elected and hold their office for said different periods. And after said first election there shall be elected annually three and four members alternately, from the different wards according to apportionment by the city council.

SEC. 27. The mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 28. There shall be elected as hereinafter provided a justice of the peace, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner and an assessor, who shall be officers of the corporation. The marshal shall be elected by the qualified voters of the corporation and hold his office for one year, and until his successor is elected and qualified: *Provided*, That the marshal appointed by this act shall hold his office until his successor is elected and qualified in July 1882, and no longer. The common council shall, at its first meeting after its members have qualified in the month of January, 1882, and at its first meeting after its members have qualified, after the city election in July, 1882, and annually thereafter, at the first regular meeting and qualification of the members elected, designate and appoint a justice of the peace, who shall have been duly elected or appointed and qualified according to law, for any precinct, the whole or any part of which is within the corporate limits of the city, who shall be the jus-

tice of the peace of the city, and shall keep his office therein, and shall have jurisdiction in all cases of the violation of any ordinance of the city, and over all crimes and offenses defined by any such ordinance, and of all other causes to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and shall have full power and authority to hear, try and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All criminal and civil proceedings before such justice of the peace, under or by authority of this act, shall be governed and regulated by the general laws of this Territory, relating to justices of the peace and to their jurisdiction and practice, and shall be subject to review in the district court of the proper district, by appeal or *certiorari*, the same as other cases tried or determined before justices of the peace. The attorney, clerk, treasurer, health officer, surveyor, street commissioner and the assessor shall be elected by the common council at the meeting above specified. And they shall be liable at any time to be removed by the council for malfeasance, misfeasance, nonfeasance or incompetency.

SEC. 29. No person shall be eligible to any office in the corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this Territory, and who has not resided in the city for the six months next preceding his election or appointment.

CHAPTER IV.

ELECTIONS.

SEC. 30. There shall be a general election for all city officers, required to be elected under this act, on the second Monday in July of every year.

SEC. 31. No person is qualified to vote at any election under this act who does not possess the qualifications required in section 29 of this act, for officers, and who, if under the age of fifty years, has not paid either a poll or property tax in the city for the fiscal year last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote. And all officers, required to be elected by this act, except those elected by the common council, shall be elected by the qualified voters of the city.

SEC. 32. That at all elections for city officers the vote

shall be by ballot at the time and place designated by the common council.

SEC. 33. The city clerk, under the direction of the common council, shall give ten days' notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in the city, of such general election, specifying the officers to be elected, the place or places designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 34. All elections shall commence at 9 o'clock A. M., and continue until 5 o'clock of the same day without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place; and if any clerk fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 35. Judges and clerks of election must possess the qualifications of voters in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice as required by section 33 of this act, shall not invalidate any election otherwise legal.

SEC. 36. At the first regular meeting of the common council next after such election, the returns thereof shall be canvassed by the city council, and a written statement of such canvass shall be made and signed by the presiding officer of the council and attested by the clerk and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for each person for any office, and the names of persons elected and to what office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the city council shall give notice to the several persons so having the highest and an equal number of votes, to attend the council chamber at an appointed time, and the council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 37. After such statement of the canvass is filed the clerk shall make and sign within two days thereafter a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 38. A certificate of election is primary evidence of

the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined by the council according to the laws of the Territory regulating proceedings in contested elections for county officers.

SEC. 39. The term of office of every person elected to office under this act shall commence on the tenth day after the canvass of the election returns by the council and terminate accordingly, except as otherwise provided by this act, and by which time such person must qualify by taking and filing the oath of office and giving such official bond or undertaking for the faithful discharge of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 40. All officers elected under this act before entering upon the duties of their office, must take and file with the clerk an oath of office to the following effect: "I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Organic Act and laws of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office of ———, during my continuance therein, so help me God." If the person affirms, instead of the last clause there must be added: "And this I promise under the pains and penalties of perjury."

SEC. 41. All laws of this Territory regulating and governing general elections and proceedings and matters incidental thereto shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 42. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required. The office of the mayor, clerk, treasurer and assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of marshal and justice of the peace shall be deemed vacant whenever the incumbent shall be absent from the city for the period of twenty days. The office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular

consecutive meetings of the council, unless absent upon leave of the council first obtained. A vacancy in any office shall be filled by the council at a regular meeting.

SEC. 43. An officer appointed to fill a vacancy must, within five days after being notified of his appointment by the clerk, qualify therefor as in the case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 44. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 45. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to any time prior thereto, and it may be convened by the mayor at any time upon one day's notice given to each of the members.

SEC. 46. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 47. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings and on the call of any one of its members must cause the yeas and nays to be taken, and entered in the journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 48. The council may punish any member for disorderly conduct at any meeting or for refusing or neglecting to attend any regular meeting without sufficient cause therefor, and may, by a two-thirds vote, expel a member.

SEC. 49. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and to determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent from any meeting of the council, the

council must appoint one of their own number president to serve during the meeting or until the mayor attends.

SEC. 50. On the tenth day after any general election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 51. A majority of the whole number constituting the council, as provided by law, is a majority of the council or members thereof within the meaning of this act and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 52. The mayor is the executive officer of the corporation. It is his duty, annually, at the first regular meeting in July of each year, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council, from time to time, as he may think proper and useful.

SEC. 53. The mayor shall take and approve all official bonds and undertakings which the ordinances of the city may require any officer to give as security for the faithful performance of his duty, or which may be required of any contractor for the faithful performance of his contract, and when he approves any bond or undertaking, he must immediately file the same with the clerk.

SEC. 54. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this Territory.

SEC. 55. Any ordinance which shall have passed the council, shall, before it becomes a law, or of any force or validity, be presented to the mayor for his approval. If he approves he shall sign it, if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the same to be entered in the journal and shall proceed to reconsider the same; if after such reconsideration, five-sevenths of the members of the council shall agree to pass the same, it

shall become a law, and if the mayor fails to return the same within said ten days, it shall be deemed approved and become a law.

SEC. 56. During any temporary absence of the mayor from the city, or if he be unable for any reason to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 57. The city attorney shall represent the city in all suits, actions and proceedings, in which the city is legally interested, and shall give his advice and opinion, in writing, concerning any matter in which the city is interested, when required by the mayor or council, but the city may employ additional counsel when deemed advisable by the council.

SEC. 58. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings of the city council and to file and keep all papers and books of the same. The clerk is authorized to administer any oath required to be taken, in connection with the duties of his office.

SEC. 59. All demands and accounts against the city must be presented to the clerk, with the necessary evidence in support thereof, and he must submit the same to the council, who shall, by a vote, direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 60. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the general or special fund appropriated therefor, and signed by the mayor and attested by the clerk.

SEC. 61. The clerk must keep proper books of account showing therein all sums of money appropriated, the date thereof, and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed or required by ordinance, or proper or necessary to a correct understanding of the city finances.

SEC. 62. The treasurer is receiver of taxes and shall receive and keep all money that shall come to the city by taxation or otherwise and pay out the same upon the warrant of the mayor, attested by the clerk.

SEC. 63. The treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

SEC. 64. The treasurer must make a report of the receipts and expenditures to the common council at their first regular meeting in January and July of each year, after January, 1882, which report shall be published in some newspaper in the city.

SEC. 65. The assessor must annually make a correct list of all the property within the corporate limits of the city, subject to taxation by the city with the valuation thereof and certify and return the same to the clerk.

SEC. 66. Any person feeling himself aggrieved by any such assessment, either in the valuation or listing of his property, may apply in writing to the council to have such assessment revised and if the council deem the same erroneous or unjust they shall correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desires it, or the council require it.

SEC. 67. The assessment must be made on the property and in the manner designated and prescribed by law for assessing property for Territorial and county taxes. But the form of the assessment roll, and the rule for ascertaining the ownership of property and in whose name it may be assessed may be prescribed by ordinance, and the time of making such assessment and the return thereof, and of applying to the council for revision thereof must be prescribed by ordinance.

SEC. 68. The marshal is peace officer, and must execute all process issued by the justice of the peace of the city, or directed to him by any magistrate of the Territory. He must attend regularly upon the court of said justice of the peace and meetings of the council. He has power by and with the approval of the council, to appoint one or more deputies, who shall possess the same powers of the marshal, except that they shall not have power to appoint any deputy. He shall make arrests for breach of the peace or commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the Territory, and may pursue and arrest persons without the city limits for crimes or offenses committed therein. He shall exercise a vigilant control over the peace and

quiet of the city, and he is the keeper of the city prison and house of correction, unless otherwise provided by ordinance.

SEC. 69. The marshal must keep a correct record of all arrests made by him and his deputies, showing the time, cause or complaint upon which the arrest was made, and make a full and complete report, in writing, each month, to the city council.

SEC. 70. The justice of the peace of the city shall, before exercising any of the functions of his office as such, give a bond to the city with such surety, and in such sum and with such conditions as the council may require. He must keep a proper account of all fines, costs and other moneys received by him when acting under or by authority of this act, and he must pay to the treasurer monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 71. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 72. The official books and papers of all the city officers are city property, and must be kept as such by said officers during their continuance in office, and shall, upon the expiration of their office, be delivered to their successors.

SEC. 73. The official books and papers of any officer mentioned in this act, may be inspected at any time by the council, or by any committee appointed by the council for that purpose.

CHAPTER IX.

OF ORDINANCES.

SEC. 74. The style of every ordinance shall be "The city of Dayton does ordain as follows:" All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all the members of the council. No ordinance shall embrace more than one object and that shall be expressed in the title, and no ordinance, or section thereof, shall be revised or amended unless the new ordinance or section contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 75. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer of the council and the clerk, and all ordinances of a general or perma-

ment character, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation within the city.

CHAPTER X.

ASSESSING AND COLLECTING FOR STREET GRADES AND IMPROVEMENTS.

SEC. 76. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvements thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor, and the said survey, diagram and estimate, shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of the intention to grade, pave or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the newspaper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 77. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on said street or alley, and representing one-half of the property in said street or alley, shall file with the city clerk a remonstrance against said improvements, grade or alteration, the same shall not be further proceeded with.

SEC. 78. If no such remonstrance be made and filed, as in the last section provided, the council, at its earliest convenience thereafter, and within four months from the publication of such notice, may establish the proposed grade and proceed to make the proposed improvements.

SEC. 79. In all cases when the council shall, by ordinance, order the improvement of any street or alley, or the alteration of the grade of any street or alley, and the cost thereof has been duly estimated as herein provided, they shall, before proceeding with the execution of the work, cause an appraisement of the lots and land abutting on said street adjacent to said improvement and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of

said grade, planking, graveling or other improvements shall be assessed *pro rata*, on said lots or parts thereof, and lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof, shall be made out by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the newspaper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known; the number and frontage of each lot, part of a lot or other land; the number of the block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 80. Any person considering himself aggrieved by such appraisalment and assessment, may apply to the city council at its first sitting, after the publication of said notice, for a modification of said assessment, and the city council may amend the same, as to them may seem just.

SEC. 81. When the tabulated statement, as provided in section 79, has been approved by the council, the same shall be recorded in the office of the county auditor, of the county of Columbia, in the records of liens on real property, and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on said county record, of said liens, a release thereof, which be made in the margin of said record, opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 82. When the city council shall have duly approved of said assessment and apportioned the cost of the improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the newspaper doing the city printing, that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisalment and assessment, who shall proceed to collect the same in the same manner as other city taxes, except as is herein otherwise provided.

SEC. 83. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the treasurer, the city council may at any time thereafter order a warrant for the collection of the same to be issued by the city clerk directed to the city marshal.

SEC. 84. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the man-

ner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the county auditor, with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 85. The person executing such warrant shall immediately make a deed for the property sold to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 86. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 87. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien holder the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 88. A sale of real property under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown.

SEC. 89. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such percentage, costs or fees.

SEC. 90. All money paid or collected upon assessment for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed from the time of being entered in the record of liens, shall bear interest at the legal rate until paid.

SEC. 91. If upon the completion of any improvement of any street or alley it is found that the sum assessed therefor is insufficient to defray the costs thereof, the city council must

ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement the same shall be repaid to the parties owning the property or their representatives.

SEC. 92. For the purpose of making the appraisement specified in section 79 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets or parts thereof benefited by said improvements.

SEC. 93. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury, and the person executing the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council be entitled to a warrant therefor.

SEC. 94. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 95. The assessor shall annually make out a list of the names of all persons within the city liable to pay a road-poll tax as provided in section seven of this act; and at the time of making said list the assessor shall demand from each person the road-poll tax levied for said year by the council; and if said road-poll tax is then paid, the assessor shall mark the same "paid" on said list, and give to the person so paying a receipt therefor; and the said list shall be returned to the city council with the return of his assessment of property, and he shall pay over to the city treasurer the money received by him, and file his receipt therefor with the city clerk. The said poll tax list shall be given to the city treasurer and he shall at once proceed to collect the unpaid road-poll tax thereon from the persons named in said list. The treasurer shall also place upon said list the names of all persons found within the city liable to pay such poll tax who shall fail to produce a receipt for the payment of a road poll tax for the current year. The treasurer shall demand the amount

due from each person named upon the list, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expense of the levy and sale: *Provided*, That any person may pay said road-poll tax in work upon the streets of the city under the direction of the street commissioner, when notified by him so to do, at the rate of two dollars per day. Any person having men employed, either for himself or a company shall, when required, provide a list of the names of all such persons so employed liable to pay such road-poll tax, and if such employer, or agent of the employer, shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then such employer or his company shall be liable for the amount of the road-poll tax of his or their employes, and shall pay the road-poll tax due from such employes on being notified in writing by the treasurer.

SEC. 96. Whenever any general or special tax has been levied as provided and authorized by chapter two of this act, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected, and shall be a lien from said time upon any real property owned by the party assessed.

SEC. 97. The council shall provide by ordinance within what time all taxes levied as provided and authorized by the provisions of chapter two of this act may be paid to the treasurer, and all taxes not paid to the treasurer within such time are thereafter delinquent taxes and shall be collected as such, and ten per cent. thereon in addition and ten per cent. per annum.

SEC. 98. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 99. The council, upon receiving the tax roll from the treasurer, shall order the city clerk to annex thereto a warrant under the seal of the city, and directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon said roll in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collecting, and return the warrant, with his doings endorsed thereon, to the city clerk, together with the receipt of the treasurer for all moneys collected thereby and paid to the treasurer. The clerk shall deliver said tax roll with the warrant annexed thereto as aforesaid to the city marshal.

SEC. 100. Said warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property and shall have the force and effect thereof against any person or corporation against whom such taxes are levied or charged on the tax roll and against their property, and shall be executed and returned in like manner except as in this chapter otherwise provided.

SEC. 101. If personal property be not found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and executing the warrant.

SEC. 102. In case of delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot or part thereof of such property for the tax levied thereon, and selling the same separately.

SEC. 103. All taxes heretofore levied by the "Inhabitants of the town of Dayton," a corporation duly organized under an act of the legislative assembly of the Territory of Washington, entitled, "An act to provide for the incorporation of towns," approved Nov. 29th, 1871, and remaining unpaid or delinquent, may, by order of the council, be collected from the person, firm or corporation, whether known or unknown, against whom the same is charged or levied, by warrant, in the same manner, and with the same effect, as in this chapter is provided for the collection of delinquent taxes.

SEC. 104. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such deed shall have the effect provided in section eighty-eight of this act.

SEC. 105. Real property sold for taxes, as provided for in this chapter, may be redeemed by the owner or his successor in interest, or any person having a lien by judgment, decree or mortgage on such property, or any part thereof, separately sold, within three years from the date of deed therefor, and upon the terms and conditions, and with the effect provided in chapter nine of this act in the case of sale of real property for delinquent assessments for the improvement of streets; and such delinquent tax may be paid by such lien creditors in the same manner, and with like effect, as a delinquent assessment, as provided in sections eighty-six and eighty-seven of this act.

SEC. 106. Whenever any real or personal property, sold for delinquent taxes, shall bring more than the amount of such tax, with interest, and the cost and charges of collection, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the city clerk on the return of the warrant. At any time thereafter the owner of the property sold, or his legal representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 107. Section ninety-four shall apply to the sale of real property for delinquent taxes, and in the case of the sale of personal property for such taxes, the true consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant, must specify such consideration and the name of the purchaser.

SEC. 108. The council may provide by ordinance within what time a warrant for the collection of delinquent taxes must be returned, and may order an *alias* warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for the collection of delinquent taxes must be made on the warrant and collected as part of the tax. The council may prescribe by ordinance, the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the city treasury.

SEC. 109. All property subject to levy and sale on execution, is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxes, as provided by this act, whether the same be exempt from execution or not. The city marshal shall, on entering upon the discharge of his duties as tax collector, give a bond to the city of Dayton, in the sum to be fixed by the council, not less than two thousand dollars, conditioned for the faithful performance of his duties as such tax collector, and that he will pay over the moneys collected by him, as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 110. The city of Dayton shall not be bound by any contract or in any way made liable thereon, unless the same be authorized by city ordinance and made in writing, by order of the council, and signed by the clerk or some other person on behalf of the city, duly authorized. But an ordinance may

authorize any officer of the city or agent, naming him, to bind the city without a contract in writing, for the payment of any sum of money, not exceeding fifty dollars.

SEC. 111. The city of Dayton shall be liable to any one for loss or injury to person or property growing out of any casualty or accident happening to any such person or property on account of the condition of any street or public ground therein, but this section does not exonerate any officer of the city, or any other person from such liability, when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence, or willful misconduct of such officer or person, in any other respect.

SEC. 112. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by an ordinance; and an ordinance making an appropriation of money must not contain any provision upon any other subject, and if it does, such ordinance, as to such provision, shall be void, and not otherwise.

SEC. 113. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 114. The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

SEC. 115. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is by this act committed or left to the discretion of the council, such discretion or judgment when exercised or declared is final and cannot be reviewed or called in question elsewhere.

SEC. 116. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes to furnish the inhabitants of the city with light, to any person, association of persons or corporation for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such right as they may deem proper, not inconsistent with law.

SEC. 117. In making a deed for real property sold for delinquent taxes, it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient, if it substantially appear from such deed that the property was sold by

virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Dayton.

SEC. 118. The mayor and councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 119. All real property within the limits of the city of Dayton, not laid off in blocks or lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fractional part thereof, as the case may be.

SEC. 120. The city council shall designate and fix the number of councilmen to be elected in each ward, and provide places for holding elections in each, and appoint officers for conducting the elections.

SEC. 121. No street, alley or highway shall be extended, widened, altered or vacated, except on petition to the common council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, alley or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, all the members being present, at least five members vote in favor of the same.

SEC. 122. When the grade of any street, highway or alley shall have been established by authority of the city of Dayton, and any person or persons shall have built, or made improvements on such street, highway or alley, and the city shall afterwards change the established grade, or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property, which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage, and when the parties injured are unable to agree with the city council, as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties, according to the best of their ability. They shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained, over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the

clerk of the district court, of the county or district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed, and upon filing a precipe therefor, the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk of said court shall upon the filing of a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term of the said district court. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleading in a civil action may be filed and such special pleadings as the court may allow and the issues thus formed shall be tried as other civil actions. The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced, otherwise the costs shall be taxed against the party claiming damages.

SEC. 123. When private property shall have been condemned and the compensation to be paid therefor, shall be made a charge upon the property benefited thereby, as provided in section ten of this act, the assessment upon the various lots or parcels of lands so charged and the appraisal of damages to be paid to the owner of the property condemned shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of property, subject to assessment, and one by the owner or owners of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment after ten days notice so to do, which notice shall be given in the manner prescribed in the ordinance providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn; shall proceed in making the assessments, and shall report within the time and in the manner prescribed for appraisers in the preceding section. Their award shall be final unless objection is made within twenty days from the time of the return thereof, to the clerk of the district court. Any party aggrieved by the award may, upon filing a precipe therefor, have the case docketed for trial at the next term of the court. When the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair assessments upon property, the city shall be plaintiff and the owner of the property defendant. The issue shall be made up, the case tried and determined, and costs taxed as pro-

vided in the preceding section: *Provided*, That all costs taxed against the city and all costs of the appraisements and other proceedings under this section shall be added to the gross amount to be raised by assessment, and collected from the several property holders in the same proportion as said gross amount and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 124. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of the Territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 125. That the inhabitants of the town of Dayton, a corporation organized and existing under an act of the legislative assembly of the Territory of Washington, entitled "An act to provide for the incorporation of towns," approved November 29th, 1871, be and the same is hereby disincorporated and dissolved.

SEC. 126. All debts, credits, liabilities, claims and demands, both in favor of and against the inhabitants of the town of Dayton, shall, upon the taking effect of this act, inure to, become and be the debts, credits, liabilities, claims and demands of the city of Dayton, and all persons having or holding such debts, liabilities, claims or demands, shall have the same remedies therefor in law or equity, that they might or could have had against said inhabitants of the town of Dayton, and the city of Dayton shall have the same remedies for the recovery of all debts, claims and demands in favor of, or owing to, said inhabitants of the town of Dayton, that said inhabitants might or could have had if this act had not been passed.

SEC. 127. All the taxes heretofore levied by the inhabitants of the town of Dayton, and remaining unpaid or delinquent shall be paid to the city of Dayton, as in this act provided for the payment of taxes, and such taxes may, by order of the city council, be collected from the person, firm or corporation, whether known or unknown, against whom the same was assessed, levied or charged by warrant, in the same manner, and with the same effect, provided in this act for the collection of delinquent taxes.

SEC. 128. The clerk, treasurer and marshal of the inhabitants of the town of Dayton, shall, at the first regular meeting of the common council of the city of Dayton, turn over and deliver to said council, all books, papers, moneys, property and

effects in their possession or under their control, belonging or pertaining to their several offices, or to the said inhabitants of the town of Dayton, and the same shall belong to and be the property of the city of Dayton.

SEC. 129. Oliver C. White is hereby appointed mayor of the city of Dayton, and the following named persons members of the common council, viz: James L. Smith, George E. Church, Lewis E. Harris, J. E. Edminson, James M. Gorman and Warren A. Belcher. They shall each qualify as required by this act on or before the second Monday in January, 1882, and shall hold their offices respectively until the second Monday in July, 1882, and until their successors are elected and qualified. They shall hold their first regular meeting on said second Monday in January, and if any of the above named appointees shall fail to qualify as above provided, the council shall appoint some suitable person or persons to fill such vacancy or vacancies. The council shall also at said meeting, or so soon thereafter as may be expedient, appoint a marshal, clerk, treasurer, attorney, health officer, street commissioner and assessor, who shall qualify and hold their respective offices during the pleasure of the council, or until their successors are elected or appointed and qualified. Said officers so appointed by the council shall qualify within five days after receiving notice of their appointment, or they shall be deemed to have declined, in which case others may be appointed in their place.

SEC. 130. All ordinances of the Inhabitants of the Town of Dayton, in force when this act goes into effect, shall be and remain in full force after this act takes effect and until the same are repealed by the common council of the city of Dayton, and all rights vested and liabilities incurred under said corporation of the Inhabitants of the Town of Dayton or any ordinance of said Inhabitants of the Town of Dayton, when this act takes effect, shall not thereby be lost, impaired or discharged.

SEC. 131. The city of Dayton is hereby authorized to have from fifty to two hundred copies of this charter printed and bound in pamphlet form for the use of the inhabitants of the city, and to pay for the same out of any funds in the city treasury, not otherwise appropriated.

SEC. 132. This act to take effect and be in force from and after the first day of January, 1882: *Provided*, That the several officers of Inhabitants of the Town of Dayton shall continue to discharge the duties of their respective offices until the first meeting of the common council on the second Monday in January, 1882.

Approved November 10, 1881.

AN ACT

TO INCORPORATE THE CITY OF PORT TOWNSEND.

CHAPTER I.

THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Port Townsend shall be bounded as follows: Beginning at Point Hudson, in Jefferson county, Washington Territory, at low tide, thence northerly, along low tide, to the north-line of Seventh street, that being the north-east corner of Al. Pettygrove's addition to the town, now city, of Port Townsend. Thence westerly along said Seventh St. to D street in said addition. Thence southerly along D street to 3rd street. Thence westerly along 3rd street to K St. Thence along K street to the county road. Thence along the north side of the county road to the corner post between the donation claims of Pettygrove and Plummer. Thence southerly along said donation line to Lawrence street of the city of Port Townsend. Thence westerly along Lawrence street to the east side of Pierce street, (old plat). Thence southerly on said east line to the middle of Port Townsend bay. Thence at a right angle easterly to a point south of Point Hudson. Thence northerly to the place of beginning. And all that part of Jefferson county, Washington Territory, included within said lines to be known as the city of Port Townsend.

SEC. 2. The inhabitants within the city of Port Townsend are hereby constituted and declared to be a municipal corporation, by the name and style of the "City of Port Townsend," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded, in all courts of justice, contract and be contracted with; acquire, hold, sell and convey property, real and personal, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Port Townsend has power to assess, levy and collect taxes for general municipal purposes, not to

exceed two-fifths per centum per annum upon all property, both real and personal within the city, which is by law taxable for Territorial and county purposes, and to levy and collect special taxes as hereinafter provided. But all taxes for general and special municipal purposes, exclusive of assessments for improvements, as hereinafter provided in sections eight, nine and eleven, shall not in any year exceed one and one-half per centum on the property assessed.

SEC. 4. The city of Port Townsend has power to make regulations for prevention of accidents by fire, to organize and establish a fire department, ordain rules for the government of the same, to provide fire engines and other apparatus; and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year one-fifth of one per centum upon the taxable property within the city. And on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to any such prohibition.

SEC. 5. The city of Port Townsend has power to purchase or condemn and enter upon, and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work-houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes not exceeding one-fifth per centum in any year. The city marshal shall have entire control of all such buildings and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been or may be hereafter dedicated to public use by any person or persons; and has power, in case such lands are deemed unsuitable or insufficient for the purpose intended, to dispose of and convey the same, and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city, or the public, existing prior to such conveyance. But when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 6. The city of Port Townsend has power to provide for the lighting of the streets, and furnishing the city with gas

or lights, and for the erection and construction of such works as may be necessary or convenient therefor; and has power to levy and collect for these objects, a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the benefits of such lights, which limits shall be fixed by the city council each year, before levying any tax authorized by this section, and all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 7. The city of Port Townsend has power to provide for clearing, opening, graveling, improving and repairing of streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk; also to regulate cellar ways and cellar lights in sidewalks within the city; and to provide for clearing the streets; also for constructing sewers, and cleaning and repairing the same; and has power to assess, levy and collect, each year, a road poll tax of not less than four nor more than six dollars on every male inhabitant of the city, between the ages of twenty-one and fifty years, except persons that are a public charge; also a special tax on property of not less than two nor more than four mills on every dollar's worth of property within the city; which taxes shall all be expended for the purposes specified in this section; and the officers of Jefferson county shall not levy or collect any road tax upon the inhabitants or property within the city of Port Townsend.

SEC. 8. The city of Port Townsend has power to construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any street, highway or alley therein, and to levy and collect a special tax, or assessment, on the lots and parcels of land fronting on such street, highway or alley, sufficient to pay the expense of such improvement; but unless the owners of more than one-half of the property subject to assessment for such improvement petition the council to make the same, such improvement shall not be made, until at least five members of the council by vote assent to the making of the same.

SEC. 9. The city of Port Townsend has power to cause any lot of land within its limits on which water at any time becomes stagnant to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

SEC. 10. The city of Port Townsend has power, by general ordinance to prescribe the mode in which the charge on the respective owners of lots or land, and on the lots or lands shall be assessed and determined for the purposes authorized by this act; such charge, when assessed, shall be payable by the owner or owners at the time of the assessment, personally, and shall also be a lien upon the respective lots or parcels of land from the time of the assessments. Such charge may be collected, and such lien may be enforced by a proceeding in law, or in equity, either in the name of the city of Port Townsend, or of the officer to whom it shall have directed payment to be made. In any such proceedings, where pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished, on the particular lot or parcel of land, or street, highway or alley. In any such proceeding, where the court trying the same shall be satisfied that the work has been done, or materials furnished, which, according to the true intent and meaning of this act, would be properly chargeable upon the lot or land, through, or by which the street, highway or alley improved or repaired may pass, a recovery shall be permitted, or a charge enforced to the extent of the proper portion of the value of the work or materials which should be chargeable on such lot or land, notwithstanding any informality, irregularity and defect in the proceedings of the officers of the city; but in such case the court may adjudge as to costs as may be deemed proper; and in cases where an assessment shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, the city, shall be entitled to demand and recover, in addition to the amount assessed and interest thereon at ten per cent. per annum from the time of the assessment, five per cent. to defray the expenses of collection, which shall be included in any judgment or decree, which may be rendered.

SEC. 11. The city of Port Townsend has power to provide for the survey of the blocks and streets of the city and for making and establishing the boundary lines of such blocks and streets, and to establish the grades of all streets within the city, and to lay off, widen, straighten, narrow, change, extend, vacate and establish streets, highways and alleys, and all public grounds; and to provide for the condemnation of such real estate as may be necessary for such purposes; and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, sufficient to make compensation for all property condemned or damaged, and to authorize or forbid the location and laying down of tracks for railways and street railways, on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to property abutting upon the street,

alley or public place upon which said track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from re-grade of streets in section 106, of this act.

SEC. 12. The city of Port Townsend has power to erect and maintain water-works, or to authorize the erection of the same, for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, shall vote for the same.

SEC. 13. The city of Port Townsend has power to construct, or authorize the construction of such water-works, without the limits of the city; and for the purpose of maintaining and protecting the same from injury, and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains used in, and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for five miles above the point from which it is taken; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 14. If the right to construct and operate such water-works is granted to private individuals, or corporated companies by the city of Port Townsend, it may make such grant to inure for a term of not more than twenty-five years; and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between said person or corporation so building such works, and said city, and the city of Port Townsend is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 15. The city of Port Townsend is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water-works; and if it shall authorize the construction and operation thereof by individuals, or private corporations, it may confer, by ordinance, upon such person or persons, or corporation, the said power to take and appropriate private property for such purpose.

SEC. 16. The city of Port Townsend shall have power, at the regular term for levying taxes in any year, to levy and collect a special tax, not exceeding one-half of one per centum

upon the taxable property within the limits prescribed as hereinafter provided, for the purpose of constructing such water-works: *Provided*, No such tax shall be levied for the purpose of aiding any private individual or corporation; and when such works shall have been constructed, the city of Port Townsend shall have power to assess and collect, from time to time, in such manner as the city council may deem equitable, from each tenement, or other place supplied with water, such water rent as may be deemed reasonable; and at the regular time for levying taxes in each year, to levy and collect, in addition to the taxes already authorized by this section, a special tax on taxable property within the limits prescribed as hereinafter provided, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works, and if the right to build, maintain and operate such water-works shall be granted to private individuals or corporations by the city; and the city shall contract with such individuals or corporation for a supply of water for any purpose said city shall levy and collect each year a special tax sufficient to pay off such water rent to such individual or company, provided that said taxes shall not exceed one-half of one per centum upon the taxable property within the limits of the benefits and protection of such work, which limits shall be fixed by the city council each year, before levying any tax authorized by this section. And all such taxes shall only be assessed upon and collected from property within said limits.

SEC. 17. The city of Port Townsend has power to make regulations to prevent the introduction of contagious diseases into the city, to remove persons affected with such or other diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the restraint and employment of vagrants; to restrain and punish any disturbance, or any unlawful or indecent practice.

SEC. 18. The city of Port Townsend has power to make regulations and pass ordinances preventing domestic and other animals from running at large; and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of proceedings, or may authorize their destruction.

SEC. 19. The city of Port Townsend has power to regulate, license and tax, all carts, wagons, drays, coaches, omnibuses, and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate, or prohibit, theatricals, shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all offensive or noxious

trades or occupations, and within the limits of said city, shall have power to tax, license, regulate and restrain barrooms, saloons, and all houses or places where liquors are sold or disposed of in quantities of less than one gallon, and all houses or places where wines or spirituous liquors are sold or disposed of at wholesale or in quantities of one or more gallons; also all billiard tables, pigeon hole, Jenny Lind, or other gaming tables kept for hire within the city; and any person or persons who shall keep any billiard table or tables, pigeon hole, Jenny Lind or other gaming table or tables in a drinking saloon or house, or in a room or building adjoining or attached thereto, and shall allow the same to be used by two or more persons to determine by play thereon which of the persons so playing shall pay for drinks, cigars or other articles for sale in such saloon or drinking house, shall, within the meaning of this act, be deemed to be keeping the same for hire: *Provided*, The sale by apothecaries or druggists of spirituous, malt or fermented liquors or wine for medical purposes upon the prescription of a practicing physician shall not be restricted, and no license shall be required therefor. No law, or part thereof, authorizing any tribunal or officer of Jefferson county to grant licenses for any such house or places or business enumerated in this section, shall apply or be held to authorize the granting of such licenses within said city by county officers, and all such licenses paid to the city shall be in lieu of the licenses required and specified by the general laws of the Territory for similar houses of business; and the sum required for such license shall be the same as the amount required by the general laws of the Territory for houses or businesses of like character, and shall be paid to said city, and bonds required to be given by keepers of saloons or drinking houses shall be upon the same terms, and for like amounts as required by said general laws and shall be made payable to said city: *Providing*, Fifty per cent. of all moneys received for liquor licenses shall be paid into the general school fund of Jefferson county. And twenty-five per cent. of all such money shall be paid into the county treasury to be used for county purposes.

SEC. 20. The city of Port Townsend has power to establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power to make arrests with or without warrants within the limits of the city, to summon aid, and to exercise all other powers necessary and requisite for the prevention of crime or apprehension of offenders.

SEC. 21. The city of Port Townsend has power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated; to restrain dis-

orderly houses, houses of ill-fame, or gambling houses; to regulate the transportation and keeping of gunpowder, or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding or driving of horses through the streets; to regulate the speed of trains, and locomotives on railways over the streets or through the limits of the city. To prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein.

SEC. 22. The city of Port Townsend has power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

SEC. 23. The city of Port Townsend has power to establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

SEC. 24. The city of Port Townsend has power to borrow money on the credit of the city for any purpose within the authority of the corporation, including the payment of any existing debt. But the indebtedness of the city must never exceed in the aggregate the sum of five thousand dollars, and any debt or liability incurred in excess of said five thousand dollars shall be invalid and void.

SEC. 25. The city of Port Townsend has power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act; and to provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both, or by forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment or committed in default of payment of any such fine, upon the street or public squares during the term thereof.

SEC. 26. The city of Port Townsend has exclusive power to make harbor regulations and rules, to assess and collect harbor dues from all vessels and water craft arriving at or departing from the city; to license and tax wharfingers; and to build, construct and regulate wharves, piers and landing places at the foot of any street terminating at the shore of Port Townsend bay.

SEC. 27. The city of Port Townsend has power to establish and regulate the fees and compensation of all its officers, except when otherwise provided; and has such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not incon-

sistent with the laws of the United States, or of this Territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER III.

OF THE GOVERNMENT OF THE CITY.

SEC. 28. The power and authority given to the municipal corporation by this act shall be vested in a mayor and common council together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 29. The common council shall consist of seven members; they shall be elected for two years and shall hold their office until their successors are elected and qualified.

SEC. 30. The mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified. The marshal shall be elected for one year, and shall hold his office until his successor is elected and qualified.

SEC. 31. There shall be appointed by the mayor, or by and with the advice and consent of the common council, as hereinafter specified, a judicial officer, clerk, attorney, treasurer, health officer, city surveyor, street commissioner and harbor master, and assessor and collector, who shall be officers of the municipal corporation, and shall hold their office for one year, or until their successors are appointed and qualified. The mayor, by and with the advice and consent of the common council, shall annually, at the first regular meeting thereof after the qualification of the new members elected at each annual city election, designate and appoint one of the justices of the peace for Port Townsend precinct, who shall have been duly elected and appointed, and qualified as required by law, who shall be the judicial officer of the city, and shall keep his office therein, and shall have jurisdiction over all crimes defined by any ordinance of the city, and of all actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All civil and criminal proceedings, before such justice of the peace, under and by authority of this act shall be governed and regulated by the general laws of this Territory relating to justices of the peace, and to their practice and jurisdiction; and shall be subject to review in the district court of the proper district by certiorari or appeal,

the same as other cases. The attorney, clerk, treasurer, health officer, surveyor, street commissioner, harbor master, and the assessor and collector shall be so appointed at the meeting above specified, and they shall be liable at any time to be removed by the council for malfeasance, inattention or incompetency.

SEC. 32. No person is eligible to any office in the municipal corporations, who at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this Territory, and who has not resided in the city of Port Townsend for the six months next preceding such election or appointment.

CHAPTER IV.

OF ELECTIONS.

SEC. 33. There shall be a general election for all city officers, required to be elected under this act, on the second Monday of July of every year.

SEC. 34. No person is qualified to vote at any election, under this act, who does not possess the qualifications in section thirty-three of this act for officers, and all officers required to be elected by this act, except those elected by the common council, shall be an elector according to the laws of this Territory.

SEC. 35. That, at all elections for city officers, the vote shall be by ballot at the time and place designated by the common council.

SEC. 36. The city clerk, under the direction of the council, shall give ten days' notice by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in said city of such general election, the officers to be elected, the place designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 37. All elections shall commence at nine o'clock A. M., and continue until five o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place; and if any clerk of election fail to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 38. Judges and clerks of elections must possess the

qualifications of voters in the ward where they act as such; but a mistake or error in this respect, or a failure to give the notice required by section 37 shall not invalidate any election otherwise legal.

SEC. 39. On the first regular meeting of the council next after such election, the returns thereof shall be canvassed by the city council, and the written statement of such canvass should be made and signed by the presiding officer of the council, and attested by the clerk, and immediately filed with the clerk; such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected and to what office.

SEC. 40. After such statement of the canvass is filed the clerk shall make and sign within two days thereafter a certificate of election for each person declared thereby to be elected, and to deliver the same to him on demand.

SEC. 41. A certificate of election is primary evidence of the facts therein stated; but the council is the final judge of the qualification and elections of the mayor and its own members. A contested election for any other office must be determined according to the laws of the Territory regulating proceedings in contested elections in county officers.

SEC. 42. The term of office of every person elected to office under this act shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly, except as otherwise provided by this act, and by such time such person must qualify by taking and filing the oath of office, and give such official undertaking for the faithful performance of his duties, as may be required, or he shall be deemed to have declined and the office considered vacant.

SEC. 43. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk an oath of office, to the following effect: "I, A B, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of this Territory, and that I will, to the best of my ability, faithfully perform the duties of the office of —, during my continuance therein, so help me God." If the person affirms, instead of the last clause there must be added: "And this I promise under the pains and penalties of perjury."

SEC. 44. All laws of this Territory regulating and governing general elections, and proceedings and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 45. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required. The office of mayor, clerk, treasurer, assessor and collector, shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of marshal and the judicial officer shall be deemed vacant when the incumbent shall be absent from the city for the period of twenty days. The office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular, consecutive meetings of the council, unless absent upon leave of the council first obtained.

SEC. 46. A vacancy in any office shall be filled by the mayor, as above specified, at a regular meeting of the common council. The mayor shall fill any vacancy existing at the time of the approval of this act.

SEC. 47. An officer appointed to fill a vacancy, must, within five days after being notified of the appointment by the clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 48. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein, or by some ordinance of the city, conferred on some other officer.

SEC. 49. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time, upon a day's notice given to each of the members.

SEC. 50. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members.

SEC. 51. The council may adopt rules for the government of the conduct of its members, and its proceedings. It must keep a journal of its proceedings, and on the call of any one of its members, must cause the yeas and nays to be taken and entered in its journal upon any question before it; but upon a question to adjourn, the yeas and nays shall not be taken, unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 52. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor, and may, by a two-thirds vote expel a member.

SEC. 53. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules, and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting, or until the mayor attends.

SEC. 54. On the tenth day next following any general election there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof, or call therefor, is necessary.

SEC. 55. A majority of the whole number constituting the council, as then provided by law, is a majority of the council or members thereof, within the meaning of this act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 56. The mayor is the executive of the corporation; it is his duty annually, at the first regular meeting in July, to communicate by message to the common council a general statement of the condition and affairs of the corporation and to recommend adoption of such measures as he may deem expedient and proper, and to make special communications to the council from time to time, as he may think proper and useful.

SEC. 57. The mayor shall take and approve all official undertakings which the ordinances of this city may require any officer to give as a security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract, and when he approves such undertakings, he must immediately file the same with the clerk.

SEC. 58. He shall perform such other duties, and exercise such other authority as may be prescribed by this act, any city ordinance, or any law of the United States, or of this Territory.

SEC. 59. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval. If he approves he shall sign it; if not he shall within ten days return it with his objections in writing to the council, who shall cause the same to be entered on their journal, and shall proceed to reconsider the same. If, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law.

SEC. 60. During any temporary absence of the mayor from the city, or if he be unable for any reason to act, the council shall elect one of their own members, who shall be the acting mayor, and perform all the duties of such office during such temporary absence or disability, except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 61. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested when required by the mayor or council.

SEC. 62. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the city council. The clerk is authorized to administer any oath required to be taken in connection with duties of his office.

SEC. 63. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem it just and legal.

SEC. 64. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

SEC. 65. The clerk must keep proper books of account, showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.

SEC. 66. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city, by taxation or otherwise, and pay out the same upon the warrant of the mayor attested by the clerk.

SEC. 67. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 68. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the month of December and June of each year, which report shall be published in any newspaper published in the city.

SEC. 69. The assessor must annually make a correct list of all the property subject to taxation by the city of Port Townsend, with the valuation thereof, and certify and return the same to the clerk.

SEC. 70. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the council, to have such assessment revised, and if the council deem the same erroneous they must correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desire it, or the council require it.

SEC. 71. The assessment of property must be made in the manner prescribed by law for assessing property for territorial and county taxes; but the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance; and the time of making such assessments and the return thereof, and of applying to the council for a revision thereof must be prescribed by ordinance.

SEC. 72. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

SEC. 73. The marshal is a peace officer and must execute all process issued by the judicial officer of the city or directed to him by any magistrate of this territory; he must attend regularly upon the court of said judicial officer, and the meetings of the council; he has power by and with the approval of the council, to appoint one or more deputies, who shall possess the same power; he shall make arrests for breach of the peace, or of a commission of a crime within the city limits, with or without warrants, as a peace officer may do under the laws of the Territory; he shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison, or house of correction, unless otherwise prescribed by ordinance.

SEC. 74. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made and must make a full and complete report in writing each month to the city council.

SEC. 75. The judicial officer of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and condition as the council may require; he must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly all such moneys, and take duplicate receipts therefor, and which he must file with the clerk.

SEC. 76. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 77. The official books and papers of all the city officers are city property, and must be kept as such by such officers, during their continuance in office, then delivered to their successors.

SEC. 78. The official books and papers of any officer, mentioned in this act, may be inspected at any time by a committee of the council appointed for that purpose.

CHAPTER IX.

ORDINANCES.

SEC. 79. The style of every ordinance shall be, "The city of Port Townsend does ordain as follows." All ordinances and

resolutions or orders for the appropriation or payment of money shall require for their passage or adoption, the concurrence of a majority of all the members of the council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title; and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section reviewed; and the ordinance or section so amended shall be repealed.

SEC. 80. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and authenticated by the signature of the presiding officer and the clerk; and all those of a general or permanent nature, and those imposing any fine, penalty or forfeiture shall be published in some newspaper of general circulation within the city; and it shall be a sufficient defence to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made, and such ordinances shall take effect and be in force at the expiration of five days after they have been published.

CHAPTER X.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 81. The assessor shall annually make out a list of the names of all persons within the city liable to pay a road-poll tax, as provided in section seven of this act, and return such list to the council with his assessment of property. Said list of names shall be given to the collector and he shall at once proceed to collect such poll tax as the council may have levied for the year, from each person upon said list; the collector shall place upon his list the names of all persons found within the city liable to pay such poll tax, who shall fail to produce a receipt for the payment of a road-poll tax for the current year. He shall demand the amount due from each person named upon the list, and shall proceed at once to collect the same from any person, who shall fail to pay the same when so demanded, by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale: *Provided*, That any person may pay said poll-tax in work upon the streets of the city under the direction of the street commissioner, at the rate of two dollars per day. Any person having men employed either for himself or a company shall, when required, provide a list of the names of all such persons so employed liable to pay such road-poll tax; and if such employer or agent of the employer shall fail to furnish

such list, or shall furnish an incomplete or otherwise incorrect one, then said employer or company shall be liable for the amount of the road-poll tax of his or their employes, and pay the road-poll tax due by such men, or the men so employed, on being notified in writing by the collector.

SEC. 82. Whenever any general or special tax has been levied as provided and authorized in chapter two of this act, the same shall have the effect of a judgment against the person, and every lien created by this act has the force and effect of an execution duly levied against all property of the person assessed; the judgment is not satisfied, nor the lien removed until the taxes are paid, and every tax due upon real property is a lien against the property assessed; and every tax due upon improvements upon real estate assessed to other than the owner of the real estate is a lien upon the land and improvements, and every part thereof shall bear interest at the legal rate from the time the same is delinquent until paid or collected.

SEC. 83. The council must provide by ordinance within what time all taxes, levied as provided and authorized in chapter two, may be paid to the treasurer; and all taxes not paid to the treasurer within such time, are thereafter delinquent taxes, and must be collected as such within five days from the expiration of the time limited for paying taxes to the treasurer; the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 84. The council must thereafter order the clerk to deliver the tax roll to the collector, and issue and annex thereto a warrant directed to the collector, commanding him to proceed, and forthwith to collect the delinquent taxes upon such roll, in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collection, and return the warrant with his doings thereon, and the receipt of the treasurer for all moneys collected thereby and paid to the treasurer by the clerk.

SEC. 85. Such warrants for the purpose of collecting such delinquent taxes shall be deemed an execution against property, and shall have the force and effect thereof against any person, firm or corporation against whom such taxes are levied, or charged on the tax roll, and shall be executed and returned in like manner, except as in this chapter otherwise provided.

SEC. 86. If no personal property be found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied on any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant including interest, fees of officer, and all expenses of sale and executing the warrant.

SEC. 87. In case of a delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot or part thereof of such property, for the tax levied thereon and selling it separately.

SEC. 88. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such sale shall have the effect to convey to the purchaser, subject to redemption, as hereinafter provided, all the estate or interest therein of the owner, whether unknown or known, together with all the rights and appurtenances thereunto belonging.

SEC. 89. Real property, sold for delinquent taxes, as provided in this chapter, may be redeemed by the owner, or his successor in interest, or by any person having a lien by judgment, decree or mortgage on such property or any part thereof, separately sold within three years from the date of the deed therefor, by the payment of the purchase money, and twenty-five per cent. addition, together with the interest upon the purchase money from the date of sale to the time of payment at the legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 90. Whenever any property, real or personal, sold for delinquent taxes, shall bring more than the amount of such taxes, with interest and the costs and charges of collection, the surplus must be paid to the treasurer; and the person executing the warrant must take a separate receipt for such surplus, and file the same with the clerk on the return of the warrant. At any time thereafter, the owner of the property sold, or his legal representative, is entitled to a warrant upon the treasurer for such surplus.

SEC. 91. The council may provide by ordinance within what time a warrant for the collection of delinquent taxes must be returned and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant and collected as a part of the tax. Council may prescribe by ordinance the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the treasury.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SEC. 92. The city of Port Townsend is not bound by any contract or in any way liable thereon, unless the same is author-

ized by a city ordinance and made in writing, and by order of the council, signed by the clerk, or some other person in behalf of the city; but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 93. The city of Port Townsend shall be liable to any one for any loss or injury to person or property, growing out of any casualty or accident, happening to such person or property on account of the condition of any street or public ground therein. But this section does not exonerate any officer of the city of Port Townsend, or any other person, from such liability, when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 94. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by ordinance, and an ordinance making an appropriation of money must not contain a provision upon any other subject, and, if it does, such ordinance, as to such provision, shall be void, and not otherwise.

SEC. 95. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 96. The fiscal year of the city shall commence on the first day of August of each year.

SEC. 97. In any action, suit or proceedings in any court concerning any assessment of property or levy of taxes, authorized by this act, or the collection of any such tax or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly done, or taken until the contrary is shown, and when any proceeding, matter or thing is by this act committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and cannot be reviewed or called in question elsewhere.

SEC. 98. The city council is hereby authorized to grant the exclusive right to use the streets of said city, for the purpose of laying gas-pipes intended to furnish the inhabitants of said city with light, to any person or association of persons, for a term not exceeding twenty-five years; and the council may adopt such rules and regulations in granting such exclusive right as they may think proper, and as shall not be inconsistent with law.

SEC. 99. In making a deed for real property, sold for

delinquent taxes, it is not necessary to recite, or set forth the proceedings prior to the sale, but it is sufficient if it substantially appear from such deeds that the property was sold by virtue of a warrant from the city of Port Townsend and the vote thereof for a delinquent tax, and the amount thereof, together with the date of the sale and the amount paid thereat by the purchaser. The style of a warrant for the collection of delinquent taxes shall be in the name of the city of Port Townsend.

SEC. 100. The mayor and councilmen are not entitled to and must not receive any salary or compensation for their official service.

SEC. 101. All real property within the limits of the city of Port Townsend, not laid off in blocks at the time of making any assessment authorized by this act, must be assessed at its cash value per acre, or fraction thereof, as the case may be.

SEC. 102. The city council may, when they deem the same necessary, divide the city into wards and shall apportion the members of the city council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 103. No street, highway or alley shall be extended, widened, altered or vacated except on petition to the city council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated.

SEC. 104. When the grade of any street, highway or alley shall have been established by authority of the city of Port Townsend, and any person or persons shall have built or made improvements on such street, highway or alley, and the city shall afterward change such established grade, or shall change the boundary lines of any block, street, highway or alley, in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured, the amount of such damage; and when the parties interested are unable to agree with the city council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property, and one by the two so appointed, or, in case of their disagreement, by the city council. Said appraisers shall be sworn to faithfully execute their duties according to the best of their ability. They shall view the premises, and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained over and above the

additional value of the property by reason of the changes or improvement; they shall sign their report, and deliver the same to the clerk of the district court holding terms at Port Townsend, and if no objection is made thereto in the manner herein-after prescribed within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a precipe therefor, the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk shall, upon filing a written precipe therefor by the city, or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be plaintiff, and the city shall be defendant. The usual pleadings in a civil action may be filed, or such special pleadings as the court shall allow, and the issues thus formed shall be tried as other civil actions, the costs to be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the cause has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

SEC. 105. When private property shall have been condemned and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, as provided in section eleven of this act, the assessments upon the various lots or parcels of land so charged, and the appraisalment of damages to be paid to the owners of the property condemned, shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of property subject to assessment, and one by the owner or owners of property condemned or damaged; or if either or both said classes of property owners fail or refuse to make such appointment, after ten days' notice so to do, which notice shall be given in the manner to be prescribed in the ordinance providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn; shall proceed in making the assessment, and shall report within the time and in the manner prescribed for appraisements in the preceding section. Their award shall be final unless objection is made within twenty days from the time of the return thereof to the clerk of the district court. Any party aggrieved by the award may, upon filing a precipe therefor, have the case docketed for trial at the next term of the court. When the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair assessments upon property, the city shall be plaintiff and the owner of the property defendant. The issue

shall be made up, the cause tried and determined, and the costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city, and all costs of the appraisement and other proceedings under this section, shall be added to the gross amount to be raised by assessment, and collected from the several property holders in the same proportion as said gross amount; and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 106. No special tax for any purpose, as provided in this act, shall be assessed unless by a majority vote of all resident real property holders, in said city of Port Townsend, expressed at an election called for that purpose. Notice of such election to be given for at least twenty days before holding the same; such notice shall state for what purpose said tax is to be levied.

SEC. 107. All municipal officers of the city of Port Townsend, acting as such, at the time of the passage of this act are hereby continued in office during the term for which they were elected or appointed and until their successors are duly elected or appointed and qualified under this act; and all rules, orders and ordinances heretofore made or passed by the common council or municipal authorities of said city of Port Townsend, which are in force therein, at the time of the passage of this act, are hereby continued in force until repealed by the common council of said city; and all acts, matters and things heretofore done by the said city, within the scope of its authority are hereby confirmed and declared valid, as if this act had not been passed.

SEC. 108. All other acts or parts of acts heretofore passed in relation to the subject matter herein contained, are hereby repealed and all other acts, or parts of acts, in anywise inconsistent with this act, are hereby repealed: *Provided*, That this repeal shall not affect any ordinance, rule or order of said city heretofore in force, therein, nor any act done under or by virtue of any law, ordinance or order heretofore in force therein, nor any tax or assessment levied therein, and all property of whatsoever kind belonging to the city of Port Townsend, as heretofore existing and all debts or moneys due said city shall belong to and remain the property of the city established by this act.

SEC. 109. This act shall take effect and be in force from and after Jan. 2, 1881.

Approved November 29th, 1882.

AN ACT

TO INCORPORATE THE CITY OF WAITSBURG.

ARTICLE I.

OF BOUNDARIES AND POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Waitsburg shall be bounded as follows, to wit: Commencing at the north-east corner of section fourteen (14); thence running north one hundred and sixty (160) rods; thence running west on a line parallel with the section lines, four hundred and eighty (480) rods; thence running south two hundred and forty (240) rods; thence running east four hundred and eighty (480) rods; thence running north eighty (80) rods to the place of beginning; the same being situate in township No. nine (9) north, of range thirty-seven (37) east of Willamette meridian, and in Walla Walla county, in the Territory of Washington.

SEC. 2. The inhabitants of the city of Waitsburg within the limits above described shall be and they are hereby constituted a body politic and corporate in fact and in law by the name and style of the "City of Waitsburg," and by that name and style they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all suits and actions whatsoever; may purchase, acquire, receive and hold property, real, personal and mixed, for the use of the city; may lease, sell and dispose of the same for the benefit of the city; may purchase, acquire, receive and hold real property beyond the limits of the city to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also for workhouses, or houses of correction; also for the erection of water-works to supply the city with water; and may sell, lease, or dispose of the same for the benefit of the city, and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

SECTION 1. The government of the city shall be vested in a mayor, and a common council, consisting of five members,

who shall be elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. There shall be appointed by the council, with the approval of the mayor, annually at their first regular meeting, a city marshal, a city recorder, who shall be *ex-officio* city assessor, and clerk of the board of common council, and a city treasurer, who may be one of the members of the council, and who shall hold their offices during the pleasure of the council, and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officer appointed, under this section, except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council, at least once a year, and oftener if he shall deem it advisable, a general statement of the condition of the city, as to its finances, government and property, and to recommend the adoption of such means as he may think advisable to provide for, and to promote its interests and advance its property, to be vigilant and active in causing the laws and ordinances of the city to be enforced, to exercise a constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints which may be made or preferred upon oath against any of said officers, for a violation or neglect of duty, and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true, and the cause sufficient, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as is hereinafter provided. To take and approve all official undertakings which the ordinances of the city may require any officer to give as security for the faithful performance of his duty, or any undertaking which may be required of any contractor for the faithful performance of his contract, and when he approves such undertaking, he must immediately file the same with the clerk. And the mayor shall generally perform all such duties as may be prescribed to him by the charter, and city ordinances and the laws of the United States and this Territory.

SEC. 2. The recorder shall, within the limits of the city, have all the powers of a justice of the peace; he shall also have

jurisdiction over all violations of city ordinances; hold to bail, fine or commit persons found guilty of any violation thereof; he shall also, as *ex-officio* assessor, within such time as shall be by ordinance provided, make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof and the names of the persons liable to be taxed therefor. The mode and manner of making out said list, ascertaining the value of the property and collecting the taxes shall, as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting Territorial and county taxes; and he shall, as such assessor, discharge such other duties as may by ordinance be prescribed. He shall, also, as *ex-officio* clerk, be the custodian of the records and seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council and shall keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be provided.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the recorder's court, and execute and return all mesne and final processes issuing from the recorder. He shall arrest all persons guilty of a breach of the peace, or a violation of any city ordinance and bring them before the recorder for trial, and shall exercise control over the peace and quiet of the city. He shall also discharge such other duties as may be by ordinance prescribed. He shall collect city taxes. He may appoint as many deputies as he shall see fit; but each appointment shall be approved by the mayor.

SEC. 4. The city treasurer shall receive and carefully keep all moneys belonging to the city, and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements, showing the source from which the moneys came and the persons to whom it was paid, with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall at the end of each fiscal year, and as much oftener as the council shall require, make out and present to the council a full and correct statement of the expenditures, and receipts of the preceding year, or of the time since the last preceding account or statement was made. He shall also perform such other duties as may by ordinance be prescribed.

SEC. 5. If any person elected to or holding any city office shall, without leave of the council, absent himself from the city for more than thirty days without permission granted him by the city council, or if he shall remove from the city, or fail to

qualify within ten days after he shall have been appointed or elected, his office shall be deemed vacant, and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 6. The common council shall by ordinance define the duties of all officers not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING VACANCIES.

SECTION 1. A general election for all officers of this corporation, required by this act to be elected, shall be held on the first Monday in May in each year.

SEC. 2. All elections shall be by ballot at such places as shall be designated by ordinance.

SEC. 3. No person shall be entitled to vote at any city election who shall not be an elector for Territorial offices, and who shall not have resided in the city thirty days next preceding the day of election, and who, if under fifty years of age, has not paid either a poll or property tax in such city for the fiscal year then last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote; and whose name does not appear upon the poll lists or register of the voters of the city, as may be provided for and prescribed by ordinance of the common council.

SEC. 4. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least ten days notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the territory. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council at its next meeting after the election, which meeting shall be held on the second Monday in May, in each year, when the vote shall be publicly examined, and the board of common council shall declare the result; the city clerk shall thereupon give certificates of election to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be determined by the council by vote.

SEC. 5. All officers required to be elected or appointed under this act, shall before entering upon the duties of their

respective offices take an oath, or affirmation of office, before any person competent to administer oaths, and execute such bond as may be regulated by ordinance.

SEC. 6. All vacancies shall be filled by the common council, by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 7. Elections for city officers shall continue but one day, and the polls shall be open from 10 o'clock in the morning until five o'clock in the evening. The polls may be closed from 12 M. until one o'clock P. M., at the option of the judges.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COMMON COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and common councilmen, recorder, marshal, treasurer and all other officers elected or appointed under this act, shall be qualified within ten days after their election or appointment, and shall enter upon the discharge of their duties; the term of office of the mayor and councilmen to commence on the tenth day after the election.

SEC. 2. The members of the common council elected under this act, shall assemble on the tenth day after their election, and choose one of their number as presiding officer. In case of the absence of the president, they may elect a president *pro tempore*, who shall have the power and perform all duties of the president of the council. They shall fix the time and place of holding their stated meetings and may be convened by the mayor at any time. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members in such manner and under such penalties as the council may have previously prescribed. They shall judge of the qualifications, elections and returns of their own members, and of the other officers elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member or other person for disorderly conduct in their presence, at any meeting of the council, and, with the concurrence of two-thirds of all the members elect, may, for good cause, expel a member. They shall keep a journal of their proceedings and at the desire of any member shall cause the yeas and nays to be

taken on any question, and entered on the journal and all their proceedings shall be public.

SEC. 3. The city council shall possess all the legislative powers granted by this act and all other corporate powers of the city not herein, or by some ordinance of the city, conferred on some other officer.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the limits of the city:

1. To make all needful by-laws, ordinances, and city regulations, not repugnant to the Constitution or laws of the United States, or this Territory.

2. To levy and collect taxes, not exceeding five mills per annum, upon all property made taxable, by law, for county and territorial purposes, as shown by the assessment made for territorial and county purposes: *Provided*, That if any person or persons at any time after the annual assessments, shall commence the sale or barter of goods, wares or merchandise within said city, such person or persons shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year, after he shall so commence, proportioned to the amount levied or assessed for city purposes, for the year—: *Provided further*, That an additional tax, of not to exceed two and one-half mills upon said taxable property, may be levied in any one year, if such tax is voted by a majority vote of the property tax payers of the city, and the mayor and common council shall have power to call a special election for that purpose: *And, provided further*, That no tax shall be levied on the value of articles, the growth and produce of this Territory, which are brought into said city and offered for sale. The mayor and common council shall also regulate, by ordinance, the time, mode and manner of assessing and collecting said municipal taxes.

3. To make regulations and restrictions to prevent the introduction of contagious diseases into the city.

4. To establish hospitals, and make regulations for the government of the same, and to secure the general health of the inhabitants of the city.

5. To prevent and remove nuisances.

6. To erect or cause to be erected water-works, either

within or beyond the limits of the city, and to provide the city with water for the extinguishment of fires, and the use of the inhabitants.

7. To license, tax and regulate auctioneers, restaurants, hawkers and peddlers, brokers, pawnbrokers, saloons or places for the retailing of spirituous, malt or fermented liquors: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wine, spirits or malt liquors for medical purposes. To license bar rooms, or billiard tables, theatrical or other exhibitions, shows and amusements, runners for hotels, porters, teamsters, hackmen, draymen, truckmen, and fix the rates of hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rates to be charged for the carriage of persons and property. To license, tax and regulate Chinese wash-houses and to prescribe and designate places for carrying on the same, and to license and tax hotels, livery stables, business houses and wholesale and retail establishments of every kind and description.

8. To prevent hogs and other live stock from running at large within the limits of the city, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of proceeding, or may authorize their destruction.

9. To provide for the prevention and extinguishment of fires, and to organize a fire department.

10. To appoint fire wardens and prescribe their duties, and to compel any person or persons present to aid in extinguishing fires, or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine, forfeiture or penalty for the breach of any ordinance: *Provided,* No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed sixty days: *Provided, further,* That in case of inability or refusal to pay a fine, ten days' imprisonment may be imposed for each two dollars of the fine and costs: *And, provided further,* That prisoners may be required to labor under such regulations and restrictions as may by ordinance be prescribed.

13. To erect a work-house or house of correction and provide for the government and regulation thereof.

14. To establish, lay out, name, alter, repair and keep open the streets and alleys of the city, and to remove all ob-

structions from roads, streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repair of the same, as well as all sewers, gutters, water-courses, and under-ground drainage, and to require parties owning or occupying premises to clean and remove obstructions from streets, alleys, cross and sidewalks adjoining their property, or the premises occupied by them; and to levy a discriminating tax on persons and property particularly benefited by the construction or repair of streets, side and crosswalks, sewers, gutters and drains, either with or without a general tax for general benefit of such works, and take shall have power to purchase or condemn and enter upon and any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work-houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a day and night watch and patrol, or either, and to provide a city jail.

17. To appropriate and to provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of one thousand dollars, no further debt shall be created except for the ordinary current expenses of the city; and debts created in violation of this provision shall be void.

18. To provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks or streets and to establish the grades of such streets.

19. To regulate the storage of gunpowder, salt-petre, pitch, tar, rosin, petroleum, kerosene, and all other combustible materials; and the use of candles, lamps, fire or other lights in shops, stables and other dangerous places; to regulate, prevent, remove or secure any fire place, stove pipe, chimney, defective flue, oven boiler, or other apparatus which may be dangerous in causing fire.

20. To prescribe the manner of building party walls and fences.

21. To prevent or restrain any riot, disturbance or disorderly assemblage, or any indecent or immoral conduct, or the public use of any obscene language in any street, house or place in the city.

22. To provide for the collecting and receiving by said city, of all poll taxes, all road taxes, and road labor and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

23. All moneys received for licenses, fines and taxes, shall be paid into the city treasury, and constitute its general funds: *Provided*, That this shall not include money collected for road or school purposes.

SEC. 2. Any ordinance which shall have been passed by the common council, shall, before it becomes valid, be presented to the mayor for his approbation; if he approves it, he shall sign it, if not, he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then reconsider the same. If, on such reconsideration, four members of the council shall vote for the same, it shall become an ordinance. In all such cases the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance within seven days after it has been presented to him for his approval, it shall become effective, as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council, and shall be paid by the treasurer on the warrant of the president of the council, countersigned by the mayor.

SEC. 4. The president of the council shall exercise the duties of mayor whenever said office shall be vacant, or the mayor be absent from the city, or from any cause unable to attend to the duties of his office.

SEC. 5. The style of city ordinances shall be as follows: "The people of the city of Waitsburg do ordain as follows."

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION 1. Neither the mayor or members of the common council shall receive any salaries for their services. The recorder shall receive the same fees for his services as justices of the peace are entitled to by law for similar services. But no part of the same shall be paid by the city.

SEC. 2. All other officers provided in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances, the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions or ordinances calling for the appropriation of any money shall lie over for seven days.

SEC. 3. The mayor may at any time call a special session of the common council, by proclamation or special notice to the councilmen, and he shall state to them, when assembled, the cause for which they have been convened.

SEC. 4. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expenses of which are payable out of the city treasury.

SEC. 5. The fiscal year of the city shall begin on the first day of June, and end on the last day of May in each year, and the city council shall, at least one week before the annual election, cause to be published a complete and full detailed statement of all moneys received and expended by the corporation, during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

SEC. 6. All ordinances and regulations of the inhabitants of the town of Waitsburg in force when this act goes into effect, shall be and the same are hereby declared to be legal and valid, and shall be and remain in full force after this act takes effect, and shall be and the same are hereby declared to be legal and valid and shall be and remain in full force after this act takes effect and until the same are repealed by the board of common council of the city of Waitsburg, and all rights vested and liabilities incurred under said corporation of the inhabitants of the town of Waitsburg, or any ordinance of said inhabitants of said town when this act takes effect shall not thereby be lost, impaired or discharged.

SEC. 7. This act may be amended or repealed at the pleasure of the legislature.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act until officers can be duly elected at the first election day, herein

provided for, the following named persons are hereby appointed to the several city offices, namely: Wm. G. Preston, mayor; W. S. Mineer, recorder, and *ex-officio* city assessor and city clerk; G. Kellicutt, Wm. Fudge, Martin Weller, Menzo Harkness and Alfred Brouillet, common councilmen; said G. Kellicutt, to act as president of the council, and J. W. Morgan, city treasurer, who shall hold their offices until said election and until their successors are elected and qualified.

SEC. 2. All acts and parts of acts in any manner conflicting with any of the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved Nov. 25th, 1881.

AN ACT

TO INCORPORATE THE CITY OF SPOKAN FALLS.

ARTICLE I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Spokane Falls shall be bounded as follows, to-wit: Commencing at the north-west corner of section 19, township 25 north, range 43 east; thence west 160 rods, to quarter post; thence south 160 rods to center of section 25, township 25 north, range 42 east; thence east 480 rods, to south-east corner of the north half of section 19, township 25 north, range 43 east; thence east 80 rods; thence north 160 rods; thence east 80 rods to south-east corner of south-west quarter of section 17; thence north to and across Spokane river, to a point 200 feet from high water mark, on said river; thence meandering said river in a westerly direction 200 feet from high water mark to the west line of section 18; thence south along said line to the place of beginning.

SEC. 2. The inhabitants of the city of Spokane Falls, within the limits, above described, shall be and they are hereby constituted a body politic and corporate in fact and in law by the name and style of the city of Spokane Falls and by that name and style they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and

equity and in all suits and actions whatsoever, may purchase, acquire, receive and hold property, real, personal and mixed, for the use of the city, may lease, sell and dispose of the same for the benefit of the city, may purchase, acquire, receive and hold property, beyond the limits of the city to be used for burial purposes, also for the establishment of hospitals for the reception of persons affected with contagious diseases, also for work-houses or houses of correction, also for the erection of water-works to supply the city with water, and may sell, lease or dispose of the same, for the benefit of the city, and they shall have and use a common seal and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

SECTION 1. The government of said city shall be vested in a mayor and common council consisting of seven members, who shall be elected by the qualified voters of said city, and shall hold their office until ten days after the next annual election and until their successors shall be elected and qualified.

SEC. 2. There shall be a city treasurer, city marshal and city clerk to be elected by the city council, with the approval of the mayor (the city treasurer may be one of the city council) and who shall hold their offices during the pleasure of the council, and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officer appointed under this section except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year and oftener if he shall deem it advisable, a general statement of the condition of the city, as to its finance, government, and property, and to recommend the adoption of such means as he may think advisable to promote its interests and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced, to exercise a constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints which may be made or preferred upon oath against

any of them for a violation or neglect of duty, and certify the same to the common council, who shall act upon the same; and if they find the complaint to be true, and the cause sufficient, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as hereinafter provided; and the mayor shall generally perform all such duties as may be prescribed to him by the city charter and city ordinances and laws of the United States and this Territory.

SEC. 2. The common council shall appoint one of the justices of the peace in said city of Spokane Falls, whose duties shall be as follows: He shall have jurisdiction over all violations of city ordinances; hold to bail, fine or commit persons found guilty of any violation thereof; he shall, as *ex-officio* assessor, within such time as shall be by ordinance provided, make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof, and the name of the person liable to be taxed therefor. The mode of making out such list, ascertaining the value of the property and collecting the taxes shall, as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting Territorial and county taxes, and he shall as such assessor discharge such other duties as may by ordinance be prescribed. He shall, as *ex-officio* clerk, be the custodian of the records and the seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council, and shall keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be provided.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the justice's court, and execute and return all mesne and final processes issued from the justice's. He shall arrest all persons guilty of a breach of the peace or a violation of any city ordinance, and bring them before the justice for trial, and shall exercise control over the peace and quiet of the city. He shall also discharge such other duties as may be by ordinance prescribed. He shall collect city taxes. He may appoint as many deputies as he shall see fit, each appointment to be approved by the mayor.

SEC. 4. The city treasurer shall receive and carefully keep all moneys belonging to the city, and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements, showing the source from which the money came, and the person to whom it was paid, with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and common council, or a

committee thereof, who may also examine his books and vouchers and money. He shall, at the end of the fiscal year, and as much oftener as the council shall require, make out and present to the council a full and correct statement of the expenditures and receipts of the preceding year, or of the time since the last preceding account or statement was made. He shall, also, perform such other duties as may by ordinance be prescribed.

SEC. 5. If any person elected to, or holding any city office shall, without leave of the council, absent himself from the city for more than thirty days, or if he shall remove from the city, or shall fail to qualify within ten days after he shall have been elected, his office shall be deemed vacant, and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 6. The common council, shall by ordinance, define the duties of all officers not herein provided.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SECTION 1. A general election for all officers of this corporation, required by this act to be elected, shall be held on the first Monday in April in each year.

SEC. 2. All elections shall be by ballot, at such places as shall be designated by ordinance.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least ten days' notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the Territory. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council, at its regular meeting, after the elections, which meeting shall be held on the second Monday in April, when the vote shall be publicly examined, and the board of trustees shall declare the result, the city clerk shall thereupon give a certificate of election to the persons having a plurality of votes. In case of a tie between two candidates for the same office the choice, shall be declared by the council by vote.

SEC. 4. All vacancies shall be filled by the common council, by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Elections for city officers shall continue but one day, and the polls shall be open from nine o'clock in the morning until four o'clock in the evening. The polls may be closed at 12, until 1 o'clock, at the option of the judges.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and common council, justice and marshal and all other officers elected or appointed under this act, shall be qualified within ten days after their election or appointment, and shall enter upon the discharge of their duties. The term of office of the mayor, recorder, marshal and councilmen to commence ten days after the election.

SEC. 2. The members of the common council elected under this act shall assemble ten days after their election, and choose one of their number as presiding officer. In case of the absence of the president they may elect a president *pro tempore*, who shall have the power and transact the duties of president. They shall fix the time and place of holding their stated meetings and may be convened by the mayor at any time. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalty as the council may have previously provided. They shall judge of the qualifications, elections and returns of their own members, and other officers elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member or other person for disorderly conduct in their presence at any meeting of the council, and with the concurrence of two-thirds of all the members elect may, for good cause, expel a member. They shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question, and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWER OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city:

1. To make by-laws and ordinances not repugnant to the laws of the United States or this Territory.

2. To levy and collect tax not exceeding one-half ($\frac{1}{2}$) of one per cent. per annum upon all property made taxable by law for county and Territorial purposes: *Provided*, That if any person at any time after the annual assessment shall commence the sale or barter of any wares or merchandise within said city such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year after he shall so commence, proportioned to the amount levied or assessed for city purposes for the year: *And, further provided*, That no tax shall be levied on the value of articles, the growth and produce of the Territory which are brought into said city and sold.

3. To make regulations and restrictions to prevent the introduction of contagious or other diseases into the city.

4. To establish hospitals and make regulations for the government of the same, and to secure the general health of the inhabitants.

5. To prevent and remove nuisances.

6. To erect water-works either within or beyond the limits of the city, and to provide the city with water for extinguishing of fire and the use of the inhabitants.

7. To license, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawn-brokers, saloons or places for the retailing of spiritous, malt or fermented liquors, bar-rooms or billiard tables, theatrical or other exhibitions, shows and amusements, runners for hotels or vessels, porters, teamsters, hackmen, draymen, truckmen and fix the rate of portage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rate to be charged for the carriage of persons and property.

8. To prevent hogs or other live stock from running at large within the limits of the city.

9. To provide for the prevention and extinguishing of fires, and to organize a fire department.

10. To appoint fire wardens and prescribe their duties, and to compel any person or persons present to aid in extinguishing fires or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine, forfeiture or penalty for the breach of

any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed thirty days: *Provided further*, That in case of inability or refusal to pay a fine, one day's imprisonment may be imposed for each two dollars of the fine and costs: *And, provided further*, that prisoners may be required to labor under such regulations and restrictions as may by ordinance be prescribed.

13. To erect a work-house or house of correction and provide for the government and regulation thereof.

14. To remove all obstructions from the streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repairing of the same, as well as sewers, gutters, water courses and under-ground drainage, and to require parties owning or occupying premises, to clean and remove obstructions from streets, alleys, cross and sidewalks, adjoining their property or the premises occupied by them, and to levy a discriminating tax on persons and property particularly benefited by the construction or repair of streets, side and crosswalks, sewers, gutters and drains, either with or without a general tax for general benefit of such work.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a night watch and patrol, and to provide a city jail.

17. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*: That when the city indebtedness shall amount to the sum of fifteen hundred dollars (\$1,500) no further debts shall be created except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

18. To regulate the storage of gunpowder, salt-petre, pitch, tar, resin, petroleum, kerosene and all other combustible material; and the use of candles, lamps, fire, or other lights in shops, stables or other dangerous places; to regulate, prevent, remove or secure any fire-place, stove-pipe, chimney, defective flue, oven, boiler or other apparatus which may be dangerous in causing fire.

19. To prescribe the manner of building party walls and fences.

20. To prevent or restrain any riot, disturbance or disorderly assemblage, or any indecent conduct in any street, house, or place in the city.

21. To provide for the collection and receiving, by said

city, of all road poll tax and all road property tax, whether payable in labor or cash and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

22. All moneys received for licenses and fines shall be paid into the city treasury and constitute a general municipal fund, including two-thirds of all county licenses for liquor, assessed or collected within the corporate limits of said city of Spokane Falls.

23. The mayor and common council shall also have power by ordinance to license, regulate or prohibit bawdy or whore houses in the city, and shall have power to pass ordinances for the punishment of persons guilty of publicly using obscene language within the city.

SEC. 2. Any ordinance which shall have been passed by the common council shall, before it becomes valid, be presented to the mayor for his approbation. If he approves it, he shall sign it, if not he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then consider the same. If, on such reconsideration, four members of the council shall vote for the same, it shall become an ordinance. In all such cases the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance within seven days after it has been presented to him for his approval, it shall become effective as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council, and shall be paid by the treasurer on the warrant of the president of the council, countersigned by the mayor.

SEC. 4. The president of the council shall exercise the duties of the mayor whenever said office shall be vacant, or the mayor be absent from the city, or for any cause unable to attend to the duties of his office.

SEC. 5. The style of the city ordinance shall be as follows: "The people of the city of Spokane Falls do ordain as follows."

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION. 1. Neither the mayor or members of the council shall receive any salaries for their services. The justice shall

receive the same fees for his services as are prescribed by law for similar services, but no part of the same shall be paid by the city.

SEC. 2. All other officers provided for in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances, the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions or ordinances calling for appropriations of any money shall lie over for seven days.

SEC. 3. The mayor may at any time call a special session of the common council by proclamation or special notice to the councilmen, and he shall state to them, when assembled, the cause for which they have been convened.

SEC. 4. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 5. The fiscal year of the city shall terminate on the last day of February in each year, and the city council shall, at least one week before the annual election, cause to be published a full and complete detailed statement of all money received and expended by the corporation during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act until officers can be duly elected at the first election day herein provided for, the following named persons are hereby appointed to the several city offices, namely: Mayor, R. W. Forrest; common councilmen, S. G. Havenmale, A. M. Cannon, L. H. Whitehouse, F. R. Moore, W. C. Gray, L. W. Rima, G. A. Davis.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved November 29th, 1881.

AN ACT

TO INCORPORATE THE CITY OF COLFAX.

ARTICLE I.

OF BOUNDARIES AND POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the city of Colfax, in Whitman county, shall be bounded as follows, to-wit: That portion of land described as follows: Commencing at the south-west corner of section 14, township 16 north, of range 43 east; thence east along the section line to the south-east corner of the west half of south-east quarter of said section; thence north to the north-east corner of the west half of south-east quarter of said section; thence west to the north-east corner of the south-west quarter of said section; thence north to the north-east corner of the north-west quarter of said section; thence east 120 rods; thence north 80 rods; thence west 280 rods to the north-west corner of the south half of the south-west quarter of section 11, of said township 16 north, of range 43 east; thence along the west line of sections 11 and 14 south to the place of beginning, being the southwest corner of section 14, township 16 north, of range 43 east, of the Willamette meridian, Whitman county, Washington Territory.

SEC. 2. The inhabitants of the city of Colfax, within the limits above described, shall be and they are hereby constituted a body politic and corporate in fact and in law, by the name and style of the "City of Colfax," and by that name and style they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all suits and actions whatsoever; may purchase, acquire, receive and hold property, real, personal and mixed for the use of the city; may lease, sell and dispose of the same, for the benefit of the city; may purchase, acquire, receive and hold real property beyond the limits of the city, to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also for work-houses or houses of correction; also for the erection of water-works to supply the city with water; and may sell, lease or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter and amend the same, and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

SECTION 1. The government of said city shall be vested in a mayor, a common council, consisting of five members, a city marshal, and the common council shall designate one of the justices of the peace in the precinct where said city is located, city recorder, a city assessor who shall be *ex-officio* clerk of the board of common council, and shall be appointed by the common council, who shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. There shall be a city treasurer, to be appointed by the council, and who shall hold his office during the pleasure of the council; and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officers appointed under this section except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year, and oftener if he shall deem it advisable, a general statement of the condition of the city, as to its finances, government and property, and to recommend the adoption of such means as he may think advisable to promote its interests and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and examine into all complaints which may be made or preferred upon oath against any of them, for a violation or neglect of duty, and certify the same to the common council who shall act upon the same, and if they find the complaint to be true, and the cause sufficient, shall have power to declare the office of the person so complained against to be vacant, and the same shall be filled as hereinafter provided; and the mayor shall preside at the meetings of the council, and shall generally perform all such duties as may be

prescribed to him by the charter and city ordinances, and the laws of the United States and this Territory.

SEC. 2. The recorder or justice so designated, shall, within the limits of the city, have all the powers of a justice of the peace; he shall also have jurisdiction over all violations of city ordinances, hold to bail, fine or commit persons found guilty of any violation thereof. The city assessor shall within such time as is by ordinance provided make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof, and the names of the persons liable to be taxed therefor. The mode of making out said list, ascertaining the value of the property and collecting the taxes, shall, as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting Territorial and county taxes; and he shall as such assessor, discharge such other duties as may by ordinance be prescribed. He shall, also, as *ex-officio* clerk, be the custodian of the records and seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council and shall keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be prescribed.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the recorder's court, and execute and return all mesne and final processes issuing from the recorder. He shall arrest all persons guilty of a breach of the peace or a violation of any city ordinance, and bring them before the recorder for trial, and shall exercise control over the peace and quiet of the city. He shall, also, discharge such other duties as may be by ordinance prescribed. He shall collect delinquent city taxes. He may appoint as many deputies as he shall see fit, each appointment to be approved by the mayor and common council.

SEC. 4. The city treasurer shall receive and carefully keep all moneys belonging to the city, and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall collect city taxes. He shall keep full and correct accounts of his receipts and disbursements, showing the source from which the money came and the persons to whom it was paid, with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall at the end of each quarter year, and as much oftener as the council shall require, make out and present to the council a full and correct statement of the expenditures and receipts of the preceding year, or the time since the last preceding account or statement was made.

He shall also perform such other duties as may by ordinance be prescribed.

SEC. 5. If any person elected to, or holding any city office, shall, without leave of the council, absent himself from the city, or fail to qualify within ten days after he shall have been duly notified of his election, his office shall be deemed vacant, and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 6. The common council shall by ordinance define the duties of all officers not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SECTION 1. A general election for all officers of this corporation required by this act to be elected, shall be held on the first Monday in April in each year.

SEC. 2. All elections shall be by ballot at such place and in such manner as shall be designated by ordinance.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least twenty days' notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the Territory. If any inspector or clerk shall fail to attend, the electors present may chose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council at its next meeting after the election, which meeting shall be held on the second Monday in April, when the votes shall be publicly examined, and the board of common council shall declare the result; the city clerk shall thereupon give certificates of election to the persons having a plurality of votes. In case a tie between two candidates for the same office, the choice shall be determined by the council by lot.

SEC. 4. All vacancies shall be filled by the common council by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Elections for city officers shall continue but one day, and the polls shall be open from nine o'clock in the morning until four o'clock in the evening.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and common councilmen, recorder or justice and marshal, and all other officers elected or appointed under this act, shall be qualified within ten days after their election or appointment, and shall enter upon the discharge of their duties, the term of office of the mayor, recorder, marshal and councilmen to commence ten days after the election.

SEC. 2. The members of the common council elected under this act shall assemble ten days after their election. In case of the absence of the mayor, they may elect a president *pro tempore*, who shall have the same power and perform all the duties of mayor. They shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as the council may have previously prescribed. They shall judge of the qualifications, elections and returns of their own members and of the other officers elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member or other person for disorderly conduct in their presence at any meeting of the council, and with the concurrence of three of the members elected, may for good cause expel a member. They shall keep a journal of their proceedings, and at the desire of any member shall cause the yeas and nays to be taken on any question and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city:

1. To make by-laws and ordinances not repugnant to the laws of the United States or this Territory.

2. To levy and collect taxes not exceeding one per cent. per annum upon all property made taxable by law for county and Territorial purposes: *Provided*, That if any person at any time after the annual assessment shall commence the sale or barter of goods, wares or merchandise within said city such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year after he shall so commence, proportioned to the amount levied or assessed for city purposes for the year, and in proportion to the time he has resided in such city: *And, provided further*, That no tax shall be levied on the value of articles, the growth and produce of the Territory which are brought into said city and sold.

3. To make regulations and restrictions to prevent the introduction of contagious or other diseases into the city.

4. To establish hospitals and make regulations for the government of the same, and to secure the general health of the inhabitants.

5. To prevent and remove nuisances.

6. To erect water-works either within or beyond the limits of the city, and to provide the city with water for extinguishment of fire and the use of the inhabitants.

7. To license, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawn-brokers, saloons or places for the retailing of spiritous, malt or fermented liquors, bar-rooms or billiard tables, theatrical or other exhibitions, shows and amusements, runners for hotels, porters, teamsters, hackmen, draymen, truckmen and fix the rate of portage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rate to be charged for the carriage of persons and property.

8. To prevent hogs or other live stock from running at large within the limits of the city.

9. To provide for the prevention and extinguishment of fires, and to organize a fire department.

10. To appoint fire wardens and prescribe their duties, and to compel any person or persons present to aid in extinguishing fires or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine, forfeiture or penalty for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed thirty days:

Provided further, That in case of inability or refusal to pay a fine, one day's imprisonment may be imposed for each three dollars of the fine and costs: *And, provided further*, That prisoners may be required to labor under such regulations and restrictions as may by ordinance be prescribed.

13. To erect a work-house or house of correction and provide for the government and regulation thereof.

14. To remove all obstructions from streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repairing of the same, as well as all sewers, gutters, water courses and under-ground drainage, and to require parties owning or occupying premises, to clean and remove obstructions from cross and sidewalks, adjoining their property or the premises occupied by them, and to levy a discriminating tax on persons and property particularly benefited by the construction or repair of streets, side and crosswalks, either with or without a general tax for general benefit of such work.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a night watch or patrol, and to provide a city jail.

17. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*: That when the city indebtedness shall amount to the sum of three thousand dollars no further debts shall be created except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

18. To regulate the storage of gunpowder, salt-petre, pitch, tar, resin, petroleum, kerosene and all other combustible materials; and the use of candles, lamps, fire, or other lights in shops, stables and other dangerous places; to regulate, prevent, remove or secure any fire-place, stove-pipe, chimney, defective flue, oven, boiler or other apparatus which may be dangerous in causing fire.

19. To prescribe the manner of building party walls and fences.

20. To prevent or restrain any riot, disturbance or disorderly assemblage, or any indecent conduct in any street, house, or place in the city.

21. Nothing in this act shall be construed to exempt any of the inhabitants of said city of Colfax from any road tax or road work, and any and all road work due from any of the inhabitants of said city shall be performed under the direction of the

road supervisor of the road district in which said city of Colfax is or may be located, and the general road law of the Territory shall apply within the corporate limits of said city of Colfax the same as elsewhere.

22. All moneys received for city licenses, fines and taxes shall be paid into the city treasury and constitute the general funds.

23. The mayor and common council shall have power to pass ordinances for the punishment of persons guilty of publicly using obscene language within the city.

SEC. 2. Any ordinance which shall have been passed by the common council shall, before it becomes valid, be presented to the mayor for his approbation. If he approves it, he shall sign it, if not he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then reconsider the same. If, on such reconsideration, four members of the council shall vote for the same, said ordinance shall become a law. In all such cases the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance within seven days after it has been presented to him for his approval, it shall become effective as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council, and shall be paid by the treasurer on the warrant of the recorder, and countersigned by the mayor or acting mayor.

SEC. 4. The style of the city ordinance shall be as follows: "The people of the city of Colfax do ordain as follows."

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION. 1. Neither the mayor nor members of the council shall receive any salaries for their services. The recorder shall receive the same fees for his services as justices of the peace are entitled to by law for similar services.

SEC. 2. All other officers provided for in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances, the yeas and nays shall be called and entered upon the journal.

SEC. 2. The mayor may at any time call a special session of the common council by proclamation or special notice to the councilmen, and he shall state to them, when assembled, the cause for which they have been convened.

SEC. 3. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 4. The fiscal year of the city shall terminate on the last day of February in each year, and the city council shall, at least one week before the annual election, cause to be published a complete and full detailed statement of all moneys received and expended by the corporation during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act until officers can be duly elected at the first election day herein provided for, the following named persons are hereby appointed to the several city offices, namely: Jacob H. Bellinger, mayor; L. P. Berry, city assessor and city clerk; C. H. Warner, D. S. Bowman, H. S. Hollingsworth, P. C. Sullivan, and Julius Lippitt, common council, and J. M. P. Snyder, marshal, who shall hold their offices until said election and until their successors are elected and qualified.

SEC. 2. That in case any officer as herein appointed shall fail or refuse to qualify as herein provided, it shall be competent for two or more members of the council at any time within three months after the passage of this act, after due notice being given, to meet and proceed to appoint the balance of said members of the common council; and said council is hereby authorized to appoint other parties to fill such offices as herein provided in case of refusal or neglect to qualify on the part of any of the parties herein appointed.

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

Approved November 29th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF GOLDENDALE," APPROVED NOV. 14, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act to incorporate the city of Goldendale," approved November 14th, 1879, be and the same is hereby amended so as to read as follows:

"Article II, section 1. The government of said city shall be vested in a mayor, a common council consisting of five members, a city marshal and justice of the peace, who shall be *ex-officio* city assessor and clerk of the board of common council. The common council shall annually, at the first regular meeting thereof, after the qualification of the new members elected at each annual city election, designate and appoint one of the justices of the peace for the precinct within which such city is situated, who shall have been duly elected or appointed and qualified as required by law, who shall be the justice of the peace of the city, and shall keep his office therein, and shall have jurisdiction over all crimes defined by any ordinance of the city, and of all actions brought to enforce or recover any penalty or forfeit, declared or given by any such ordinances, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of this Territory, relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court of the proper district, by *certiorari* or appeal the same as other cases."

"Article III, section 2. The justice of the peace shall have jurisdiction over all violations of city ordinances, hold to bail, fine or commit persons found guilty of any violation thereof; he shall also, as *ex-officio* assessor, within such time as shall be by ordinance provided, make out and return to the common council a correct list of all the taxable property within the lim-

its of the city, with the valuation thereof, and the names of the persons liable to be taxed therefor. The mode of making out said list, ascertaining the value of the property and collecting the taxes, shall as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting Territorial and county taxes; and he shall, as such assessor, discharge such other duties as may by ordinance be prescribed. He shall also, as *ex-officio* clerk, be the custodian of the records and seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council and shall keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be provided."

"Section 3. The marshal shall attend upon the meetings of the city council, upon the justice's court and execute and return all mesne and final process issuing from the justice of the peace. He shall arrest all persons guilty of a breach of the peace or a violation of any city ordinance and bring them before the justice of the peace for trial, and shall exercise control over the peace and quiet of the city. He shall, also, discharge such other duties as may be by ordinance prescribed. He shall collect city taxes. He may appoint as many deputies as he shall see fit, each appointment to be approved by the mayor.

"Article V, Section 1. The mayor and common councilmen, justice of the peace and marshal, and all other officers elected or appointed under this act shall be qualified within ten days after their election or appointment, and shall enter upon the discharge of their duties; the term of office of the mayor, justice of the peace, marshal and councilmen to commence ten days after the election."

"Article VII, Section 1. Neither the mayor nor members of the council shall receive any salaries for their services. The justice of the peace shall receive the same fees for his services as justices of the peace are entitled to by law, for similar services."

SEC. 2. All acts and parts of acts, in so far as the provisions thereof necessarily conflict with this act, are repealed.

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

Approved November 20th, 1881.

AN ACT

TO PROVIDE AGAINST THE SPREAD OF INFECTIOUS OR CONTAGIOUS DISEASES, AND IN RELATION TO QUARANTINE OF VESSELS IN PACIFIC COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Pacific county shall be and the same are hereby created and constituted a board of health for Pacific county, whose duty it shall be to make such regulations respecting the quarantine of ships or vessels, prescribing in what cases it shall be performed by vessels arriving at any ports in said county of Pacific, as may be just and reasonable, and the same modify or change as in their opinion the public safety requires; and the board of health so constituted shall appoint a health officer who shall, before entering upon the duties of his office, give bonds with good and sufficient sureties to the county commissioners of Pacific county, in the sum of one thousand dollars, conditioned for the faithful performance of his duties as such health officer, and shall be sworn, before some officer qualified to administer oaths, to perform the duties of his office to the best of his ability, and which bond and oath shall be filed in the office of the auditor of Pacific county.

SEC. 2. The health officer shall reside in Pacific county and shall have his office at South Bend, on the Willapa river, in said county and shall require all vessels having on board any person or persons infected with small-pox, plague, pestilential or malignant fever or other malignant, infectious or contagious disease, or who shall have been so infected during the voyage, or having on board any goods reasonably supposed to have any infection of such disease, to perform quarantine at some safe, suitable and convenient place, selected and designated for that purpose by the board of health, and order the master or other person having charge or control of such vessel to proceed with such vessel and anchor at such designated place, there to remain and be purified and cleansed as he may direct; and a suitable place on shore may be prescribed and properly limited for the landing, care, treatment and purification of any person or passengers of such vessel.

SEC. 3. The board of health may, and it shall be their duty to, seize any goods landed from any such infected vessel without the permission of the health officer and remove and keep the same until they have caused them, the said goods, to be thoroughly

cleansed and purified, and which cleansing and purification shall be performed by or under the direction of the health officer with all possible dispatch, at which time such goods shall be turned over to the care and custody of the person properly claiming the same, upon payment by the person so claiming paying the expense of such removal and purification, and upon the failure of the health officer to turn over to such person any such goods, agreeably to the provisions of this section, he shall be liable for all damages that may arise from such failure, and which may be recovered by suit in any court of competent jurisdiction, together with costs of suit. That the fees of the health officer shall be fixed by the board of health provided for in this act, but shall not exceed the sum of five dollars for each vessel boarded or examined in the daytime and ten dollars in the nighttime, between the hours of 10 P. M. and 5 A. M., nor the sum of fifteen dollars for fumigating a vessel, which fee shall be paid by the vessel and shall be a lien on said vessel until paid, and no vessel shall receive a bill of health or clearance until such fee is paid, and the health officer may recover such fee, together with the costs of suit in any court having jurisdiction.

SEC. 4. Any owner, master, supercargo, officer, seaman, consignee or any other person, who shall refuse or neglect to obey the orders and regulations of the board of health in regard to such quarantine or the purification and cleansing of such vessel, shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding three months, or both.

SEC. 5. Any person sick on board any such vessel may be sent on shore by said health officer at some place appointed and limited for that purpose and shall there be maintained, provided and cleansed by or under the direction of the health officer, at the expense of such sick or infected person, if able, otherwise at the expense of the vessel in which the person or persons may have been brought into any of the ports or waters of Pacific county or bordering on said county.

SEC. 6. If any person shall come on shore from any vessel infected, or justly suspected of being so subjected to or performing quarantine, or shall leave the place appointed for the sick or for purification, being placed there or employed or placed there by the health officer, without permission of such officer, he or she shall be fined not exceeding one thousand dollars or imprisoned not exceeding three months, or both.

SEC. 7. If any person shall, without permission of the health officer, go on board any vessel ordered for or performing quarantine, or go within the limits appointed by the health officer for the reception of infected persons and property on shore, he or she shall be considered as infected and shall be held to undergo purification in the same manner and under the same reg-

ulations and penalties as those who are performing quarantine and shall remain there at his or her own expense until discharged by the health officer; and any person coming into any such place having been previously designated as a place for infected persons or property or on board any vessel, ordered to or performing quarantine, and having at the time the lawful flag as hereinafter described hoisted at the mast-head, without permission of the health officer, he may be forcibly detained by the person or persons there employed by the health officer, till he shall have undergone purification in the same manner and under the same regulations as those performing quarantine.

SEC. 8. A red flag at least six feet long and four feet wide shall be hoisted from sunrise to sunset, at the main truck of any and all vessels ordered for and performing quarantine; failing in which the vessel shall be liable to a fine of five hundred dollars: *Provided*, The master or other person having the care and custody of any such vessel shall first be notified of such regulations, and have sufficient time and opportunity to procure said flag. A flag as hereinbefore described shall also be conspicuously displayed at the place designated by the board of health for the reception of infected persons and property on shore, in default of which the officer or officers having the control of such infected place shall forfeit his appointment and shall also be liable to a fine of fifty dollars, to be recovered before any justice of the peace by any person suing for the same.

SEC. 9. If any owner, master, supercargo, officer, seaman or consignee of any vessel, or any other person knowing such vessel to be subject to quarantine, shall bring or suffer the same to be brought to or near any wharf, store or dwelling house or other building, not in use for the purpose of the health officer in his official capacity as such, or shall make any false declaration as to the port or place from which such vessel came, or in regard to the condition and health of any person on board any such vessel, or shall cause, aid or permit the landing of any person or property of any nature or kind whatever from such vessel without the permission of the health officer he shall be punished by fine not exceeding five thousand dollars, or imprisonment not exceeding three months, or both.

SEC. 10. If any such vessel shall not be removed to the place of quarantine agreeably to the directions of the health officer or shall be brought near any wharf, store or dwelling house or other building without his permission, the health officer shall cause such vessel to be forthwith removed to such place, there to remain at the risk of the owners till the expiration of the time limited by the health officer, and the expense of removal shall be paid by the master, owner or consignee, who shall severally be liable therefor, and may be recovered by the board

of health together with costs of suit, in any court having jurisdiction.

SEC. 11. The master of every vessel arriving at any port in Pacific county or at any port in waters bordering on said county, having on board any person or persons infected with plague, small-pox or other malignant, infectious or pestilential disease, or who have been so infected during the voyage, or having on board any goods which may reasonably be supposed to have any infection of such disease, shall forthwith give notice thereof to the health officer and if any such master or other person having charge of such vessel shall neglect to give such notice he shall be fined not exceeding five thousand dollars or may be imprisoned not exceeding six months or both.

SEC. 12. It shall be the duty of the board of health to appoint under the provisions of this act, when by them deemed necessary, to procure a suitable building either by lease or construction, to be used exclusively by the health officer as a pest house and to approve all necessary expenses of said health officer in procuring a building and keeping the same in proper repair and obtaining necessary furniture therefor, and in carrying into effect the provisions of this act, and the county commissioners of Pacific county constituting said board of health shall appropriate a sufficient sum out of any money in the treasury of said county, not otherwise appropriated, to pay the health officer a just and reasonable compensation for the services performed in the discharge of his duty as such health officer, and the county auditor shall issue an order, countersigned by said board of health, on the county treasurer, who shall pay the same out of any money in the treasury not otherwise appropriated.

SEC. 13. The board of health shall give notice in such manner as they may think reasonable and most for the public good of any and all regulations made by them under the provisions of this act, the expenses or cost of which shall be paid out of the county treasury and the county auditor is hereby authorized to draw his warrant, countersigned by said board of health, on the county treasurer for the same, who shall pay such bill out of any money in the treasury not otherwise appropriated.

SEC. 14. All fines recovered under the provisions of this act, and not otherwise provided for, be and the same shall be paid into the county treasury.

SEC. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved November 5th, 1881.

AN ACT

APPROPRIATING MONEY FOR A WAGON ROAD OVER THE CASCADE MOUNTAINS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of two thousand dollars be and the same is hereby appropriated out the Territorial treasury to be expended in opening a wagon road from Snoqualmie Prairie, in King county, through the Cascade mountains, to Thorp's cabin, in Yakima county: *Provided*, The counties of King and Yakima shall each expend \$2,000 on said road.

SEC. 2. That G. D. Rutherford, of Falls City, King county, and E. R. Gedeles, of Ellensburg, Yakima county, are hereby appointed commissioners to superintend the expenditure of the money hereby appropriated, who shall, each, execute bonds in the sum of two thousand dollars, to be approved by the governor, to the Territory of Washington, conditioned that they will apply the said money to the building of said road, and report their proceedings to the governor for settlement.

SEC. 3. That the commissioners hereby appointed shall expend the sum of one thousand dollars on said road in June and July in eighteen hundred and eighty-two, and the sum of one thousand dollars in June and July, in 1883.

SEC. 4. The work on said road shall be done by contract, and the commissioners appointed under the provisions of this act, shall divide the road to be built into sections, and advertise for bids for doing the work on each section, at least four weeks before the first day of June, in each year, which advertisement shall be published in a newspaper in King county and a newspaper in Yakima county, and the commissioners shall let the contract to the lowest responsible bidder.

SEC. 5. In case of the death, or the failure to serve, of either of said commissioners, the governor shall appoint a commissioner to serve in his place. Should any dispute arise between said commissioners, they shall select a third who shall decide any and all matters in dispute in regard to said work.

SEC. 6. The commissioners shall each receive the sum of four dollars per day while actually engaged in the transaction of the business required of them, under the provision of this act: *Provided*,

SEC. 7. The county commissioners of King county shall cause the location and survey of that portion of the road lying in King county, and the county commissioners in Yakima county shall cause the location and survey of that portion of the road lying in Yakima county; said location and survey shall be made in the same manner as county roads are located and surveyed and at the expense of said counties. The money hereby appropriated shall be expended on said road as located and surveyed.

SEC. 8. That no money shall be paid out of the Territorial treasury for the purpose of this act, to said commissioners until they shall have made a report under oath to the governor that said work has been performed according to the provisions of this act; and whenever such affidavit is made by the persons herein appointed commissioners, the governor shall issue his certificate to the Territorial auditor, who shall immediately thereon issue a warrant on the Territorial treasurer, for the amount due on such certificate, out of any money in the Territorial treasury not otherwise appropriated, and the Territorial treasurer shall pay the same.

SEC. 9. The Territorial auditor shall not issue any warrant until the commissioners mentioned in this act certify to the Territorial auditor under oath that the amount of \$2000 for the county of King, and \$2000 for the county of Yakima has been placed at their disposal.

SEC. 10. This act to take effect and be in force from and after its passage and approval.

Approved November 30th, 1881.

AN ACT

APPROPRIATING MONEY TO PAY THE EXPENSES OF THE LEGISLATIVE ASSEMBLY IN VISITING PUBLIC INSTITUTIONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of fifty dollars be paid to Capt. W. R. Ballard, twenty-two dollars be paid to Capt. G. H. Parker, and thirty-nine dollars be paid to the O. & C. V. R. R. Co., and that the several amounts be paid out of any money in the Territorial treasury not otherwise appropriated

for the the relief of the parties herein mentioned for the conveyance of the Legislative Assembly to the Penitentiary, University and Hospital for the Insane.

SEC. 2. It shall be the duty of the Territorial Auditor to draw his warrant on the Territorial Treasurer in favor of Capt. W. R. Ballard, Capt. G. H. Parker and the O. & C. V. R. R. Co., for the sums mentioned in the first section of this act— which shall be paid out of any money in the Territorial treasury not otherwise appropriated.

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

Approved Nov. 8th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT FOR THE PROTECTION OF THE JOSHUA BROWN SCHOOL FUND," APPROVED NOV. 2d, 1875.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section four of said act be amended so as to read as follows:

"Section 4. It shall be the duty of the county treasurer to loan said school fund, whether consisting of principal, interest or amounts of principal and interest, at lawful rates of interest, for not less than three years nor more than five years' time from date of loan or loans, to the first responsible applicant, who shall pay to said treasurer six months' lawful interest in advance, and thereafter semi-annually in advance on whatever sum loaned, and who shall deliver to said treasurer his or her promissory note of hand secured by first mortgage on unincumbered real estate, released from all homestead claims, the cash value of which being at least double the amount of money loaned: *Provided,* Said applicant shall have previously filed with said treasurer an abstract of his or her unincumbered title to said real estate, bearing the seal and signature of the county auditor, and provided he shall also have filed with said treasurer a certificate signed and sworn to by the county school superintendent, stating the true description of said real estate and its cash valuation. Said county treasurer shall also cause all mortgages and notes received by him, as security on loan or loans of said school fund, to be immediately recorded by the county aud-

itor, and shall also cause immediate satisfaction to be entered of record, when full payment shall have been made. He shall apportion all sums of interest which he shall have received on loan or loans of said school fund, which are in his possession at the times of, and with his semi-annual apportionment of other county school fund, and shall in like manner pay the same for the compensation of teachers. Whenever any borrower shall fail to make full payment of principal or interest when the same becomes due, the county treasurer shall demand payment, and if said principal and interest shall not be paid him within twenty days from the date of said demand, he shall bring action before any court having competent jurisdiction, for the recovery of the principal and interest aforesaid. Said county treasurer shall, within thirty days after the final passage and approval of this bill, demand payment of all portions of the Joshua Brown school fund which have hitherto been loaned, and according to the terms of said loan or loans fallen due, and if not paid to him within twenty days after he shall have made said demand, proceed to enforce the payment of the same by lawful proceedings before any court having competent jurisdiction, and said treasurer shall, in like manner, enforce the payment of all other portion or portions of said fund in strict accordance with the terms of their respective loans, and he shall deliver to his qualified successor in office all funds belonging to, or accruing from the Joshua Brown school fund.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved Nov. 26th, 1881.

AN ACT

TO ORGANIZE THE COUNTY OF GARFIELD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That all that portion of Columbia county situated within Washington Territory and included within the following limits, be and the same shall be known as the county of Garfield, in honor of James A. Garfield, late president of the United States, viz: Commencing at a point in the mid-channel of Snake river on township line between range 39 and 40; thence on said line south to the south-

west corner of township twelve (12), range forty (40); thence east on township line six (6) miles; thence south to the south-west corner of section seven (7), township eleven (11) north, of range forty-one (41) east; thence east one (1) mile; thence south three (3) miles; thence east one (1) mile; thence south one (1) mile; thence east one (1) mile; thence south three (3) miles; thence east three (3) miles; thence south on township line to the Oregon line; thence due east on said line to the division line between the Territory of Washington and Idaho; thence north on said dividing line to a point where it intersects the mid-channel of Snake river; thence down the said mid-channel of Snake river to the point of beginning:

SEC. 2. That E. Oliver, Joseph Harris and N. C. Williams are hereby appointed a board of commissioners to call a special election of county officers for said Garfield county, and to appoint the necessary judges and inspectors thereof; notice of which election shall be given, and the said election conducted and returns made as is now provided by law: *Provided*, That the returns shall be made to the commissioners aforesaid, who shall canvass the returns and declare the result, and issue certificates to the persons elected.

SEC. 3. That the justices of the peace and constables who are now elected as such in the precincts of the county of Garfield, be and the same are hereby declared justices of the peace and constables of the said county of Garfield.

SEC. 4. That the county seat of the said county of Garfield is hereby located at Pataha City, until the next election which is to be held on the second Monday of January, A. D. 1882, at which time the highest number of the legal votes of said county given for any one place may permanently locate the same.

SEC. 5. The county of Garfield is hereby united to the county of Columbia for judicial purposes.

SEC. 6. That all laws applicable to the county of Columbia, shall be applicable to the county of Garfield.

SEC. 7. That all taxes levied and assessed by the board of county commissioners of the county of Columbia for the year A. D. 1881, upon persons or property within the boundaries of the said county of Garfield shall be collected and paid into the treasury of said Columbia county for the use of said county of Columbia: *Provided, however*, That the said county of Columbia shall pay all the just indebtedness of said Columbia county, and that when such indebtedness shall be wholly paid and discharged all moneys remaining in the treasury of said Columbia county, and all credits due and to become due,

said county of Columbia on the assessment roll of said year shall be divided between said counties of Columbia and Garfield, according to the assessed valuation of said property, of the said year: *Provided, further,* That nothing in this act be so construed as to deprive the county of Garfield of its proportion of the tax levied for common school purposes, for the above named year.

SEC. 8. The county of Columbia shall pay to the county of Garfield, the sum of one thousand dollars (\$1,000) over and above the amount provided for in this act, for its interest in the public property and improvements.

SEC. 9. The county of Garfield shall be entitled to two members of the house of representatives and one joint member to the council, with Walla Walla and Whitman counties.

SEC. 10. The county of Columbia shall be entitled to one member in the council and one representative in the legislative assembly of the Territory of Washington.

SEC. 11. All acts and parts of acts in conflict with any of the provisions of this act be and the same are hereby repealed.

SEC. 12. This act to take effect and be in force from and after its passage and approval.

Approved Nov. 29th, 1881.

AN ACT

TO PROVIDE PAYMENT FOR STATUTES FURNISHED THE EXECUTIVE OFFICE AND THE CODE COMMITTEE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one hundred and fifteen dollars and fifty cents (\$115.50), be and is hereby appropriated out of the Territorial treasury to pay for statutes furnished the executive office and the committee employed in the codification of the laws during the present session.

SEC. 2. The Territorial auditor is hereby directed to draw his warrant on the Territorial treasurer for said amount in favor of C. B. Bagley.

SEC. 3. This act to take effect and be in force from and after its approval by the governor.

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF THEODORE DAVIE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred dollars be and the same is hereby appropriated out of the Territorial treasury to pay Theodore Davie, barrister and attorney-at-law, in the city of Victoria, Province of British Columbia, for fees and expenses incurred in cause of Henry Messey, an escaped prisoner from this Territory.

SEC. 2. The Territorial auditor is hereby authorized to draw his warrant upon the Territorial treasurer for the sum specified in section one of this act, to the order of said Theodore Davie, and the Territorial treasurer is hereby authorized to pay the same out of any money in the treasury, not otherwise appropriated.

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

Approved Nov. 16th, 1881.

AN ACT

FOR THE RELIEF OF TERRITORIAL CONVICTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the governor of said Territory be and he is hereby authorized to purchase newspapers, magazines or books for the use of the convicts in the Territorial penitentiary to the amount of fifty dollars, annually; also that the governor be, and he is hereby authorized to purchase a number of volumes of the Seaside and Franklin Square Library, to the amount of twenty-five dollars.

SEC. 2. The governor is hereby further authorized to contract with any suitable or proper person or persons to visit the said penitentiary as often as twice a month, to hold religious services and give such Christian and moral advice and counsel

as shall be suitable to their condition and necessities. The amount to be paid for such services to be not more than one hundred dollars annually.

SEC. 3. The territorial auditor is hereby authorized to draw warrants on the territorial treasurer for the amounts specified in the preceding sections, which shall be paid out of any money in the treasury not otherwise appropriated; *Provided*, Nothing in this act shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instructions to the prisoners.

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

Approved Nov. 29th, 1881.

AN ACT

PROHIBITING POULTRY, FOWLS, SUCH AS CHICKENS, TURKEYS, GEESE, DUCKS, OR OTHER DOMESTIC FOWLS FROM RUNNING AT LARGE IN PACIFIC COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the owner or lessee of any premises in the county of Pacific, Territory of Washington, may take up any poultry, fowls, such as chickens, turkeys, geese, ducks, or other domestic fowls, found trespassing upon his or their premises, and may safely keep the same at the expense of the owner of said fowls.

SEC. 2. All persons taking up such fowls, found trespassing on their lands, shall immediately thereafter post notices in three public places, containing a description of such fowls, whereby the owner may identify the same.

SEC. 3. If the owners of such fowls come forward within ten days after the time such notices were posted and prove them to be their property, the person taking them shall deliver them to such owners upon their paying all costs and damages sustained by reason of their trespassing.

SEC. 4. If however the owners do not come forward within ten days, then the person taking up such fowls, as described in section first, of this act, shall immediately notify a

constable of the precinct wherein the trespass has been committed, or if there be no constable in said precinct, then the sheriff of said county or constable of a neighboring precinct, and said constable or sheriff shall proceed to sell at public auction, after giving five days' notice of such sale, by posting notices in three public places in said precinct, all said fowls so taken up: *Provided, however,* That the owners may prove their fowls and receive the same by paying all costs, charges and damages at any time before said sale takes place.

SEC. 5. If the parties cannot agree as to the amount of the charges and damages, then each party may choose one disinterested person and they may choose a third person, who shall determine the amount of the damages and cost of keeping of said fowls. Should the owners not come forward then the constable or sheriff shall appoint one or more disinterested persons to determine the amount.

SEC. 6. The fees of the officers for making sales under the provisions of this act shall be the same as are allowed for sale under execution.

SEC. 7. If there should be any surplus money after paying all costs, charges and damages, the constable or sheriff shall pay the same to the owners of said fowls so sold, provided they prove they are entitled to it, within ten days after the sale. If not, then he shall pay it to the county treasurer, taking his receipt for the same: *Provided,* The fowls sold do not pay all costs, charges, and damages, this shall not bar the right of the damaged party to bring his action against the party whose fowls have so trespassed for the balance due or unpaid.

SEC. 8. All money paid to the county treasurer, under the provisions of this act, shall constitute a part of the school fund of the county.

SEC. 9. Any constable or sheriff refusing to pay to the county treasurer or to the owners the surplus money derived from such sale shall be liable for the same on his official bond and shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one hundred dollars.

SEC. 10. This act to take effect and be in force from and after its approval by the governor.

Approved Nov. 26th, 1881.

AN ACT

IN RELATION TO THE PROBATE JUDGE IN CHEHALIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the probate judge of Chehalis county shall be entitled to and receive the four dollars per day for every day necessarily employed in holding the regular terms of his court.

SEC. 2. It shall be the duty of the said probate judge to keep an account of, and charge himself with the amount of the fees which he is entitled by law to receive, either as judge's or clerk's fees, and if the said fees so charged shall not be equal in amount to the aforesaid per diem, then the balance shall be paid out of any money in the county treasury not otherwise appropriated.

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

SEC. 4. This act to take effect and be in force from and after its approval by the governor.

Approved Dec. 1st, 1881.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF CLARKE COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY TO BUILD A COURT HOUSE AND JAIL.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Clarke county be, and they are hereby, authorized and empowered, in the name of said county, to borrow any sum of money not exceeding twenty-five thousand dollars, upon which they may pay a rate of interest not greater than ten per cent. per annum, to be appropriated and used by said county commissioners for the purpose of building a court house and jail at the county seat of said county.

SEC. 2. That said county commissioners, for the purpose

of carrying the provisions of this act into effect, shall have power and they are hereby authorized, in the name of said county, to issue twenty-five thousand dollars in bonds, in denominations not less than five hundred dollars each, to bear interest as provided in this act, payable in fifteen years from the date thereof: *Provided*, Said bonds may be redeemed by said county commissioners at any time after five years from their date.

SEC. 3. That said county commissioners are hereby authorized and empowered to levy and collect annually, at the same time and in the same manner as they levy and collect taxes for general Territorial and county purposes, a special tax on the the taxable property of the said county of Clarke, sufficient to pay the interest on the whole amount of bonds by this act authorized to be issued, and after five years from the date of said bonds they shall annually, in like manner, levy and collect a special tax sufficient to pay all accrued interest on said bonds, and ten per cent. of the principal thereof, until the whole amount of said bonds shall have been paid and discharged.

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

Approved November 26th, 1881.

AN ACT

TO PREVENT HOGS TRESPASSING IN KCLICKITAT COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That it shall be lawful for any owner or lessee of any premises to take up any hogs found trespassing upon his said premises, and may safely keep the same at the expense of the owner of said hogs.

SEC. 2. All persons taking up hogs trespassing upon their lands, shall immediately thereafter post notices in three public places, containing a description of the ears or other marks of such hogs, whereby their owners may identify them as their property.

SEC. 3. If the owners of such hogs come forward within ten days after the time such notices were posted, and prove them to be their property, the person taking them up shall deliver them to such owners: *Provided*, That such owners shall pay

all costs, charges and damages, sustained by reason of their trespassing.

SEC. 4. If, however, the owners do not come forward within ten days, then the person taking up such hogs shall immediately notify a constable of the precinct, wherein the trespass has been committed, or if there be no constable in said precinct, then the sheriff of the county or constable of a neighboring precinct, and said constable shall proceed to sell at public auction, after giving ten days' notice of such sale by posting notices in three public places in said precinct: *Provided, however,* That the owners may prove their property and receive it by paying all costs, charges and damages, at any time before said sale takes place.

SEC. 5. If the parties cannot agree as to the amount of the charges and damages, then each party may choose one disinterested person and they may choose a third person, who shall determine the amount of damages and cost of keeping of said hogs. Should the owner not come forward, then the constable shall appoint one or more disinterested persons to determine the amount.

SEC. 6. The fees of the officers, for makings sales under the provision of this act, shall be the same as are allowed by law for sales under execution.

SEC. 7. If there should be any surplus money, arising from such sales, after paying all costs, charges and damages, the constable shall pay the same to the owner or owners of said hogs sold: *Provided,* They prove they are entitled to it within sixty days after sale; if not, then he shall pay it to the county treasurer, taking his receipt therefor.

SEC. 8. Any constable or sheriff refusing to pay to the county treasurer, or to the owners thereof, the surplus money, derived from such sales shall be liable on his official bond and shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars.

SEC. 9. All money paid to the county treasurer under the provisions of this act, shall become a part of the school fund.

SEC. 10. This act shall apply to Klickitat county only.

SEC. 11. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 12. This act to take effect and be in force from and after its passage and approval.

Approved December 1st, 1881.

AN ACT

PROVIDING FOR THE PAYMENT OF CERTAIN ENROLLING CLERKS OF THE EXTRA SESSION OF THE LEGISLATIVE ASSEMBLY.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That there is hereby appropriated out of any money in the Territorial treasury not otherwise appropriated for the payment of additional enrolling clerks employed at the extra session of the Legislative Assembly, the sums as follows: To pay Miss Annie Stevens ten dollars; to pay Miss Julia Shelton ten dollars; to pay Miss May Kellett five dollars; to pay R. P. Shoecraft five dollars; to pay Miss Jennie Moore ten dollars; to pay W. J. Milroy five dollars; to pay Rogers Beatty five dollars; to pay R. Bruce Milroy five dollars; to pay J. D. Van Buren five dollars.

SEC. 2. The territorial auditor shall draw his warrants in favor of the persons named, and for the respective amounts provided in section one of this act and the territorial treasurer shall pay the same.

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

Approved December 7th, 1881.

 AN ACT

IN RELATION TO COMPENSATION OF CERTAIN OFFICERS OF GARFIELD COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the officers of Garfield county shall receive for their services, the following as hereinafter named, that is to say: The judge of probate shall receive in lieu of fees, and in full compensation for his services, out of the county treasury, an annual salary of three hundred dollars, payable quarterly out of the county treasury; the treasurer shall receive in full compensation for his services, in lieu of commissions, an annual salary of three hundred dollars, payable quar-

terly, by warrant on the county treasurer; the auditor shall receive in full for services performed for the county, a salary of six hundred dollars, (but no other fees shall be paid by the county), and all fees allowed by law.

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

Approved December 1st, 1881.

AN ACT

TO AUTHORIZE THE CITY OF DAYTON TO AUDIT AND PAY CERTAIN CLAIMS.

WHEREAS, It appears that there are certain sums due parties for labor and material furnished for the use and benefit of the present City of Dayton when it was so called "City of Dayton," and prior to the passage of the act incorporating said city; Now, therefore,

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the city of Dayton is hereby empowered through its proper officers to audit and pay such claims as they may deem just for material furnished or labor performed for the benefit of the said formerly so called "City of Dayton."

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

Approved December 1st, 1881.

AN ACT

AUTHORIZING THE TERRITORIAL AUDITOR TO CREDIT YAKIMA COUNTY WITH THE COST-BILL IN THE CASE OF THE TERRITORY VS. SALUSKIN, KIPE AND LAARONE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the territorial auditor is hereby

authorized to place to the credit of Yakima county, the cost bill, in case of the Territory of Washington *vs.* Suluskin, Kipe and Laarone (convicted of murder) for the sum of sixteen hundred and twenty-two dollars and thirty-five cents (\$1622.35.)

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved December 1st, 1881.

AN ACT

IN RELATION TO FEES OF PROBATE JUDGE OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the probate judge of Walla Walla county shall be paid out of the county treasury of said county an annual salary of \$800 dollars, to be paid quarterly in lieu of all fees allowed by law, except as hereinafter provided.

SEC. 2. That the probate judge of said county be and he is hereby authorized to collect the sum of one dollar for recording each certificate of marriage, and 25 cents per folio of 100 words for all copies of probate records, and one dollar for each certificate under seal.

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

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

Approved October 20th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT PROHIBITING HOGS FROM RUNNING AT LARGE IN THE COUNTIES OF COLUMBIA, WHITMAN, STEVENS, WALLA WALLA, YAKIMA, KING AND LEWIS," APPROVED NOV. 5, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section first of the above-

named act be and the same is hereby so amended as to read as follows: "That the owner or lessee of any premises in the counties of Columbia, Whitman, Stevens, Walla Walla, Yakima, King, Lewis and Pacific may take up any hogs found trespassing upon his or their premises and may safely keep the same at the expense of the owner of said hogs.

SEC. 2. This act to take effect from and after its passage and approval.

Approved November 26th, 1881.

AN ACT

TO CHANGE THE NAME OF EMMA SOPHIA FOSTER TO EMMA SOPHIA WHITE, AND MAKE HER THE HEIR-AT-LAW OF JAMES WHITE AND DEBORAH T. WHITE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the name of Emma Sophia Foster, a minor child adopted by James and Deborah T. White, of Kitsap county, be and the same is hereby changed from Emma Sophia Foster to Emma Sophia White, and by the said latter name she shall hereafter be known, called and designated.

SEC. 2. That the said Emma Sophia White is hereby made and declared to be the heir-at-law of the said James White and Deborah T. White.

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

Approved November 4th, 1881.

AN ACT

TO CHANGE THE COUNTY LINE BETWEEN SKAMANIA AND KLICKITAT COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county line between the

counties of Skamania and Klickitat shall hereafter be as follows: Commencing at a point in the mid channel of the Columbia river, directly opposite the mouth of the White Salmon river; thence up the said channel of said White Salmon river as far north as to the southern boundary of township four (4) north, of range ten (10) east of Willamette Meridian; thence due west on said township line to range nine (9) east of Willamette Meridian; thence north following said range line till it intersects the southern boundary of Yakima county.

SEC. 2. All acts and parts of acts in conflict with this act, are hereby repealed.

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

Approved November 29th, 1881.

AN ACT

ALLOWING A SALARY TO THE COUNTY AUDITOR OF KITSAP COUNTY
IN LIEU OF CERTAIN FEES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That on and after the first day of January, A. D. 1882, the county auditor of Kitsap county, in said Territory (for all services performed by said officer as clerk of the county commissioners' court, in the making of assessment rolls, tax lists, and all other clerical services for the said county now imposed by law) shall be paid out of the county treasury an annual salary of seven hundred and fifty dollars in lieu of the fees allowed for such services; said salary to be paid quarterly on the first days of February, May, August and November of each year.

SEC. 2. Nothing in this act contained shall be so construed as to prevent the said county auditor from receiving the fees allowed by law for recording deeds and other clerical services not performed for the county by virtue of his office as county auditor and *ex-officio* clerk of the board of county commissioners.

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

SEC. 4. This act shall take effect and be in force from and after the first day of January, A. D. 1882.

Approved October 20th, 1881.

AN ACT

TO ALLOW STEVENS' POST GRAND ARMY OF THE REPUBLIC THE USE OF ARMS BELONGING TO THE TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That his Excellency, the Governor, is hereby authorized to transfer the custody of the arms belonging to the Territory of Washington now in the custody of the Territorial University to the custody of Stevens' Post No. 1, Grand Army of the Republic, in Seattle.

SEC. 2. That the commander of said Stevens' Post No. 1, shall be held responsible to the Territory of Washington for the safe keeping of the said arms, and that they shall be returned whenever the governor shall demand the return of the same to the proper officer of the Territory.

SEC. 3. That no member of said Stevens' Post No. 1 shall be allowed by the commander of said Post at any time to remove any of said arms from the place where they may be kept, except at such times as the said Stevens' Post No. 1 shall be on parade, drill or performing escort duty on the streets.

SEC. 4. This act shall take effect and be in force from and after its approval by the governor.

Approved October 2d, 1881.

AN ACT

TO AUTHORIZE THE SCHOOL DIRECTORS OF SCHOOL DISTRICT, NO. ONE (1), IN WHITMAN COUNTY, TO SELL AND CONVEY CERTAIN REAL ESTATE BELONGING TO SAID DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That Jacob H. Bellinger, C. H. Warner, and W. A. Inman, directors of school district No. 1, in Whitman county, Washington Territory, be and are hereby authorized, as such directors, to sell and convey, in fee simple, the following described real estate, to-wit: Lots No. one (1), two (2), eleven (11) and twelve (12), in block No. nineteen (19), in what is known as the City of Colfax, as shown by the plat on file in the Auditor's office in Whitman county, Washington Territory.

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

Approved October 1st, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO APPROPRIATE ONE-HALF OF THE TERRITORIAL TAX OF SNOHOMISH COUNTY FOR THE YEAR 1880, FOR THE PURPOSE OF BUILDING A TERRITORIAL ROAD THEREIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That section 1 of an act entitled "An act to appropriate one-half of the Territorial tax of Snohomish county," be and the same is hereby amended to read as follows: "That one-half of the Territorial tax of Snohomish county for the year 1880, be and the same is hereby appropriated for the purpose of building a Territorial road, which is hereby established and declared to be a public highway from Snohomish City in Snohomish valley to Stanwood, in Steilaquamish valley: *Provided, however,* That the county of Snohomish shall appropriate enough money to open said road, and that said road shall be open to travel on or before the first day of Nov., A. D. 1882: *And provided further,* That if said road is not open to travel, on the first day of Nov., 1882, then the county treasurer of Snohomish county shall forthwith pay to the Territorial treasurer the said Territorial tax for the year 1880."

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

Approved November 21st, 1881.

AN ACT

FOR THE BETTER PRESERVATION OF GAME AND FISH IN THE COUNTY OF WALLA WALLA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That it shall not be lawful for

any person or persons to take or kill any salmon, salmon trout, bull trout or trout in any of the streams in the county of Walla Walla, except the Columbia and Snake rivers, from the first day of November to the first day of April of each year, by any means whatever; any person violating the provisions of this section shall be liable to pay a fine of five dollars and costs of prosecution for every fish taken or killed, to be recovered before any justice of the peace in said county and shall be imprisoned until such fine and costs are paid, not exceeding twenty days.

SEC. 2. That it shall not be lawful to kill any blue grouse, pin-tailed grouse, prairie chicken, or ruffed grouse, commonly called and known as pheasant, in the county of Walla Walla, from the fifth day of December to the fifteenth day of August following, and any person violating the provisions of this section shall be liable to a fine of five dollars and costs of prosecution for each bird so killed, to be recovered before any justice of the peace in said county, and shall be imprisoned until such fine and costs are paid, not exceeding twenty days; and the possession of any of the birds herein named between the fifth day of December and the fifteenth day of August following shall be *prima facie* evidence of the violation of this section.

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

Approved Nov. 16th, 1881.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF KLICKITAT COUNTY TO OFFER A REWARD FOR THE ARREST AND CONVICTION OF A FELON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Klickitat county are hereby authorized and empowered to offer a reward when in their judgment they deem it to the best interest of the people, but in no case shall the reward exceed two hundred dollars for any one arrest and conviction.

SEC. 2. Said reward to be paid out of any moneys in the county treasury not otherwise appropriated, only upon the arrest and conviction of a felon.

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

Approved December 1st, 1881.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF WHITMAN COUNTY TO APPROPRIATE MONEY TO BUILD AND MAINTAIN PEST HOUSES IN SAID COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners of Whitman county, Territory of Washington, are hereby authorized and empowered to appropriate a sum not to exceed three thousand dollars of the funds of said county of Whitman, for the purpose of building and maintaining a pest house or houses in said county.

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

Approved Nov. 21st, 1881.

AN ACT

FOR THE RELIEF OF L. P. BERRY, SERGEANT-AT-ARMS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of six dollars and fifty cents (\$6.50) be and the same is hereby appropriated out of the treasury of the Territory of Washington, for the payment of L. P. Berry on account of fitting up rooms for the use of committees.

SEC. 2. When demanded it shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasury for the said amount, and it is hereby made the duty of the

treasurer to pay the same out of any money in the treasury not otherwise appropriated.

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

Approved Nov. 26, 1881.

AN ACT

FOR THE RELIEF OF A. H. CHAMBERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of forty dollars is hereby appropriated, out of any money in the Territorial treasury, not otherwise appropriated, for the relief of A. H. Chambers, for removing snow from the capitol building. Said claim being accompanied by certificate from T. M. Reed, Territorial auditor.

SEC. 2. It shall be the duty of the Territorial auditor, upon demand, to draw his warrant on the Territorial treasurer in favor of said A. H. Chambers for the sum of forty dollars, which sum shall be paid out of any money in the Territorial treasury, not otherwise appropriated.

SEC. 3 This act shall take effect and be in force from and after its approval.

Approved Oct. 19th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT FOR THE RELIEF OF YAKIMA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That an act entitled "An act for the relief of Yakima county," approved November 11th, 1879, be and the same is hereby repealed.

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

Approved Dec. 1st, 1881.

AN ACT

IN RELATION TO THE COMPENSATION OF THE JUDGE OF PROBATE OF
WHITMAN COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the judge of probate of Whitman county shall receive in addition to the fees now allowed by law an annual salary of three hundred dollars, payable quarterly out of the county treasury.

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

Approved October 20th, 1881.

AN ACT

AUTHORIZING THE QUINCEY STREET WHARF COMPANY TO CONSTRUCT
A WHARF AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the Quincey Street Wharf Company, a corporation formed under the laws of Washington Territory, with its principal place of business in the city of Port Townsend, in Jefferson county, be and it hereby is authorized to construct a wharf at Port Townsend, in the county of Jefferson, W. T., at the foot or southern terminus of Quincey street, in said city, of a width not to exceed the width of the said street, to commence at a sufficient distance above high water mark, and extend southerly to the ship channel of Port Townsend bay to a point where there shall not be less than twenty feet of water at low tide.

SEC. 2. That said company may also construct, at the southerly end of said wharf, an addition or additions to the same, on either or both sides thereof, to form an L or T, neither of which additions shall exceed two hundred feet square, and upon which said company may erect buildings, warehouses or other necessary improvements.

SEC. 3. That said company, their successors or assigns, shall be entitled to receive such rates of wharfage, tolls and

dockage for the use of said wharf as the corporate authorities of the city of Port Townsend shall establish by ordinance, and said wharf shall remain the property of said company, its successors and assigns: *Provided*, That said wharf shall be commenced within six months after the passage of this act, and be completed within one year thereafter.

SEC. 4. All acts or parts of acts conflicting with this act be and the same are hereby repealed.

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

Approved Nov. 4th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO PREVENT HOGS FROM RUNNING AT LARGE IN SPOKAN, PIERCE AND CLALLAM COUNTIES," APPROVED OCT. 13TH, 1881.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That an act entitled "An act to prevent hogs from running at large in Spokane, Pierce and Clallam counties," approved October 13, 1881, be and the same is hereby repealed so far as said act applies to the county of Clallam.

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

Approved December 7th, 1881.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE COLLECTION OF LICENSES IN THE CITIES OF TACOMA AND STEILACOOM."

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That section 1 of an act entitled "An act in relation to the collection of licenses in the cities of Tacoma and Steilacoom," approved Nov. 6th, 1877, be amended, and made to read as follows: That one-third of all county

license money paid within the cities of Steilacoom and Tacoma, shall be placed by the county treasurer on receipt thereof, as follows: one-third of the licenses collected in Tacoma, to be credited to the school district of said city, and one-third of the licenses collected in Steilacoom, to be placed to the credit of school district No. 1 of said county.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

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

Approved Nov. 16th, 1881.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT PROHIBITING THE OWNERS OF HOGS AND SHEEP FROM PERMITTING THE SAME TO RUN AT LARGE IN PACIFIC COUNTY," APPROVED NOV. 11, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the above named act be and the same is hereby repealed.

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

Approved November 10th, 1881.

AN ACT

PROHIBITING THE OWNERS OF HOGS FROM PERMITTING THE SAME TO RUN AT LARGE IN FIDALGO ISLAND, WHATCOM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the owners of hogs in Fidalgo Island, in the county of Whatcom, be and they are hereby prohibited from permitting the same to run at large within the limits of said island.

SEC. 2. That the owner or owners thereof shall be liable for the actual damages committed by his or their hogs when running at large in said island. Said damages to be recovered

in an action at law by the person or persons suffering from the depredation of said hogs.

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

Approved December 1st, 1881.

AN ACT

FOR THE BETTER PRESERVATION OF THE RECORDS OF THE SUPREME COURT OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of seventy-five dollars be and the same is hereby appropriated out of any money in the Territorial treasury, not otherwise appropriated, for the purchase of suitable pigeon hole and book cases, in which to keep the books and papers of the supreme court of Washington Territory.

SEC. 2. It shall be the duty of the clerk of the said supreme court, to purchase the necessary cases provided for in section one of this act, and upon presentation of the proper vouchers therefor, to the Territorial auditor, the said Territorial auditor shall draw his warrant on the Territorial treasurer, who shall pay the same.

SEC. 3. This act to take effect and be in force from and after its approval by the governor.

Approved Dec. 1st, 1881.

AN ACT

AUTHORIZING THE COUNTY OF WHATCOM TO REIMBURSE G. W. L. ALLEN, EX-SHERIFF OF THAT COUNTY, IN THE SUM OF TWO HUNDRED AND SEVENTY-FIVE DOLLARS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county of Whatcom, Washington Territory, be and said county is hereby authorized

to reimburse G. W. L. Allen, ex-sheriff of said county, in the sum of two hundred and seventy-five dollars, such sum being the amount of the judgment, costs and expenses imposed upon and paid by him, in the suit of Chapman *vs.* Allen, for damages for selling certain property, as such sheriff, in the cause of the Territory *vs.* Chapman, to be paid out of the funds in the treasury of said county.

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

Approved Nov. 10th, 1881.

AN ACT

PROVIDING FOR THE PAYMENT OF REPAIRS AND STORAGE OF TERRITORIAL PROPERTY IN THE CUSTODY OF THE QUARTERMASTER GENERAL.

SECTION 1. *Be it enacted by the Legislative Assembly of Territory of Washington,* That the sum of one hundred and fifty dollars be and the same is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated, for the purpose of defraying the expenses incurred in the care and repair of Territorial property pertaining to the quartermaster's department.

SEC. 2. Upon presentation of proper vouchers by the quartermaster-general, the Territorial auditor shall draw a warrant upon the Territorial treasurer for the amount provided in this act, and the Territorial treasurer shall pay the same.

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

Approved December 1st, 1881.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF JEFFERSON COUNTY TO PAY REWARDS OFFERED BY THE SHERIEF OF SAID COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the county commissioners

of Jefferson are hereby authorized to pay B. S. Miller, sheriff of said county, the reward he paid for the recapture of Henry Messey.

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

Approved Dec. 1st, 1881.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF WHITMAN COUNTY TO SELL CERTAIN REAL ESTATE UPON WHICH THE PRESENT COURT HOUSE IS LOCATED, AND PURCHASE OTHER REAL ESTATE UPON WHICH TO LOCATE A COURT HOUSE AND OTHER COUNTY BUILDINGS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the commissioners of Whitman county, Washington Territory, be and are hereby authorized to sell and convey the real estate upon which the court house of said county is located, and purchase other real estate upon which to locate a court house and other county buildings.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved Nov. 29th, 1881.

AN ACT

TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLALLAM COUNTY TO BORROW MONEY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the board of county commissioners of Clallam county are authorized to borrow a sum or sums of money, in gold coin, which said sum or sums shall not exceed, in the aggregate, five thousand dollars, and which sum or sums shall bear a rate of interest not to exceed one per cent. per month, in gold coin.

SEC. 2. That the said board of commissioners shall apply the said sum or sums to the redemption of Clallam county scrip, and to meet the current expenses of the said county, in such a manner as to them may seem most advantageous to the interest of said county.

SEC. 3. That twenty per cent. of all county taxes hereafter assessed and collected, and of all saloon and billiard licences be retained and applied to pay the interest on and extinguish said loans.

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

Approved Nov. 21st, 1881.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF WHITMAN TO REIMBURSE THE SHERIFF OF SAID COUNTY IN THE SUM OF \$200.

WHEREAS, On or about the 22d day of February, A. D. 1881, two persons by the name of Charles Stewart and Richard Forrest were duly committed to the county jail of Whitman county, to await the action of the grand jury of said county, on a charge of stealing horses; And whereas, Said parties did break jail and escape from the custody and keeping of the sheriff of Whitman county; And whereas, The said sheriff did offer a reward of two hundred dollars for their capture and return to said jail; And whereas, Said parties were captured and returned to said jail of said county of Whitman, and were duly convicted at the June term of court of the said county of Whitman for the offense of grand larceny; And whereas, No provisions of the laws of Washington Territory authorize the county commissioners of said county to reimburse said sheriff for said reward; Therefore,

Be it enacted by the Legislative Assembly of the Territory Washington:

SECTION 1. That the county commissioners of the county of Whitman be and are hereby authorized to issue a warrant in favor of David Marsh for the sum of two hundred dollars, to be paid out of the county funds of said Whitman county not otherwise appropriated.

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

Approved October 19th, 1881.

AN ACT

FOR THE RELIEF OF THE CLERKS OF THE COMMITTEE FOR THE CODIFICATION OF THE LAWS OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following named sums be and the same are hereby appropriated to pay the clerks employed by the committee on codification, to-wit: To pay J. P. Judson, for services as clerk, three hundred and sixty dollars; to pay P. P. Carroll, for services as clerk, three hundred and sixty dollars; to pay U. M. Rasin, for services as clerk, three hundred and sixty dollars.

SEC. 2. Upon demand it shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer, in favor of the above named persons, for the above mentioned sums, which amounts shall be paid out of any money in the Territorial treasury not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

TO PREVENT HOGS RUNNING AT LARGE IN THE COUNTIES OF SPOKAN, PIERCE AND CLALLAM.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the owners of hogs in Spokane, Pierce and Clallam counties be and are hereby prohibited from permitting the same to run at large within said counties from the first day of April until the first day of October in each year.

SEC. 2. That the owner or owners thereof, shall be liable for the actual damage committed by his or their hogs, when running at large in said counties, or either of them. Said damage to be recovered in an action at law, by the person or persons suffering from said depredation of said hogs.

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

Approved Oct. 13th, 1881.

AN ACT

FOR THE RELIEF OF YAKIMA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of \$503.69 be and the same is hereby appropriated to reimburse said county for freight charges and various other expenses incurred and paid by said county, in the procuring of arms and ammunition from Vancouver to said county, during the late Indian war.

SEC. 2. The Territorial auditor is hereby instructed to issue to said county of Yakima a Territorial warrant for the aforesaid sum, and the Territorial treasurer is instructed to pay the same out of any money in the treasury, not otherwise appropriated.

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

Approved Nov. 1st, 1881.

AN ACT

FOR THE RELIEF OF SAN JUAN COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of one hundred and seventy-one (\$171.00) be and the same is hereby appropriated to reimburse the county of San Juan for the mainte-

nance of the infant child of Mary Phillips, and for nursing Mary Phillips while she was confined in jail awaiting trial.

SEC. 2. The Territorial auditor is hereby authorized to place to the credit of San Juan county the sum of forty dollars.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF THE CHIEF CLERKS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one hundred and seventy-five dollars is hereby appropriated out of any money in the Territorial treasury, not otherwise appropriated, for the relief of the chief clerks of this 8th biennial session of the Legislature for postage stamps furnished by them for the use of members at this session, one hundred and fifteen dollars of which amount shall be paid to E. R. Burk, chief clerk of the house of representatives, and sixty dollars to R. G. O'Brien, chief clerk of the council. And the Territorial auditor is hereby authorized to draw his warrants on the Territorial treasurer therefor.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF JOHN J. CALHOUN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of seven and 50-100

dollars be and the same is hereby appropriated to reimburse John J. Calhoun for expenses by him in furnishing furniture, water, etc., for the use of the members of the present legislative assembly.

SEC. 2. The Territorial auditor is hereby authorized to issue a warrant on the Territorial treasurer in favor of John J. Calhoun in the sum of \$7.50, and the Territorial treasurer is hereby directed to pay the same out of any money in the treasury not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF CERTAIN EMPLOYES OF THE PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following named persons, who have been employed by the present Legislative Assembly, are entitled to pay as follows, that is to say: John De Tiere, six dollars per day; William H. Hughes, six dollars per day; Luella McMillan, five dollars per day; Cornelia Newton, five dollars per day; W. S. Leonard, five dollars per day; W. H. Johnson, five dollars per day.

SEC. 2. Upon the termination of the said employment of any of said persons, the chief clerk of the body to which said employe belongs shall make out and sign a certificate of the number of days such person shall have been in attendance thereon, and of the pay to which he or she is entitled hereunder, which certificate shall be countersigned by the president or speaker, respectively, of the body in which such person is employed.

SEC. 3. That upon the presentation of such certificate, the Territorial auditor be and he is hereby authorized to draw a warrant on the Territorial treasurer, in favor of any person holding a certificate of service as above provided, which said warrant shall be paid out of any money in the Territorial treasury, not otherwise appropriated.

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

Approved November 26th, 1881.

AN ACT

FOR THE RELIEF OF GEO. W. GALLAGHER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of ninety dollars be and the same is hereby appropriated for the payment of Geo. W. Gallagher, for labor as enrolling clerk on Territorial code.

SEC. 2. The Territorial auditor is hereby authorized to draw a Territorial warrant in favor of Geo. W. Gallagher, for the sum of ninety dollars, and the treasurer is hereby authorized to pay the same out of any money in the Territorial treasury, not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF JOHN G. JUSTICE AND OTHERS.

WHEREAS, On or about the 5th day of May, 1880, R. A. Truax, sheriff of Whitman county, offered a reward for the arrest and conviction of certain persons supposed to be named John Brumfield and Amanda Shanks; and whereas, John G. Justice and others claim said reward; and whereas, there are no provisions of law authorizing the county commissioners of said Whitman county to determine the rights of said claimants or pay the same; now, therefore,

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the judge of the district court of the first judicial district is hereby authorized and empowered, upon petition of the said John G. Justice, or any other claimant of said reward, upon due notice given to such claimants, to hear said petition, and determine the rights of the petitioners and other claimants to said reward.

SEC. 2. The county commissioners of Whitman county are hereby authorized to pay the amount of said reward to the person whom said judge shall determine or find to be entitled to the same, out of the county treasury of said county; and for that purpose may cause a warrant for the amount of said reward to be drawn on the county treasurer of said county in favor of such claimant. And the county treasurer shall pay the same out of any moneys not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF WILLIAM PIX, AS ASSIGNEE OF BILLINGS AND OLSEN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of forty dollars be and the same is hereby appropriated out of the treasury of the Territory of Washington, for the payment to William Pix, assignee of Billings and Olson of Thurston county, for labor performed in order to protect from fire the capitol building, in which is kept the Territorial library. Said claim being accompanied by a certificate from N. H. Owings, secretary of Washington Territory.

SEC. 2. When demanded, it shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasury for the said amount, and it is made the duty of the treasurer to pay the same out of any money in the treasury, not otherwise appropriated.

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

Approved October 20th, 1881

AN ACT

FOR THE RELIEF OF M. R. TILLEY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of thirty dollars (\$30) be and the same is hereby appropriated to pay M. R. Tilley for the hire of carriages, teams and drivers on the 8th day of October, 1881, by the order of the Legislative Assembly, and necessarily used in the reception by the governor and Legislative Assembly of Henry Villard and party. That the Territorial auditor is hereby directed to draw a warrant in favor of said M. R. Tilley for said amount, and the Territorial treasurer is hereby directed to pay the same.

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

Approved October 31st, 1881.

AN ACT

FOR THE RELIEF OF LUCINDA M. BALLARD.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That there be and is hereby appropriated out of the moneys in the Territorial treasury the sum of fifty-three dollars (\$53.00) to be paid to Lucinda M. Ballard, wife of, and administratrix of the estate of Irving Ballard, deceased, late prosecuting attorney of the third judicial district, being the balance of quarterly salary falling due January 12th, 1881, under the law regulating salary of prosecuting attorneys.

SEC. 2. That the Territorial auditor be, and he is hereby directed to draw a warrant on the Territorial treasurer for the said sum in favor of the said Lucinda M. Ballard, and the Territorial treasurer is directed to pay said warrant out of any moneys in the Territorial treasury not otherwise appropriated.

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

Approved November 21st, 1881.

AN ACT

FOR THE RELIEF OF PAINE BROTHERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of forty-one dollars and sixty-six cents be and the same is hereby appropriated to Paine Brothers to pay them for rent of room from April 20th, 1881, to December 31st, 1881, in which Territorial arms are stored.

SEC. 2. The Territorial auditor is hereby instructed to draw a Territorial warrant in favor of Paine Brothers, for said sum, and the Territorial treasurer is instructed to pay the same out of any money in the treasury, not otherwise appropriated.

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

Approved November 5th, 1881.

AN ACT

FOR THE RELIEF OF LEWIS M'MILLEN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of fifty-six and 80-100ths dollars be and the same is hereby appropriated out of the Territorial treasury to pay Lewis McMillen for necessary expenses incurred for rent, fuel, keeping in order, and furnishing committee rooms for this session.

SEC. 2. The Territorial auditor is hereby authorized to draw his warrant on the Territorial treasurer in favor of said Lewis McMillen for the sum specified in section one of this act; and the Territorial treasurer is hereby authorized to pay the same out of any money in the Territorial treasury not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF C. TODD.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington*, That the sum of one hundred and eighty-five dollars be and the same is hereby appropriated out of the Territorial treasury to pay C. Todd, superintendent of police of the city of Victoria, Province of British Columbia, for expenses incurred in the arrest, transportation and imprisonment of Henry Messey, an escaped prisoner from this Territory.

SEC. 2. The Territorial auditor is hereby authorized to draw his warrant upon the Territorial treasurer for the sum specified in section one of this act, to the order of said C. Todd, and the Territorial treasurer is hereby authorized to pay the same out of any money in the Territorial treasury not otherwise appropriated.

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

Approved Nov. 16th, 1881.

AN ACT

FOR THE RELIEF OF CERTAIN CLERKS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sums hereinafter named be and the same are hereby appropriated to pay the persons hereinafter named for services in enrolling the code of the Territory: To pay Miss Stevens, \$27.80; to pay Mrs. McKenny, \$15.80; to pay Miss McKenny, \$19.30; to pay Miss Tilly, \$13.00; to pay Miss Newell, \$35.50; to pay Miss Kellett, \$10.20; to pay N. Crosby, \$32.45.

SEC. 2. The Territorial auditor shall, upon demand, draw warrants in favor of the persons herein named for the sums mentioned, upon the Territorial treasurer and the Territorial

treasurer shall pay such warrants out of any funds in the treasury not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

FOR THE RELIEF OF THE CLERKS OF THE CODE COMMITTEE.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the amounts hereinafter named be and the same are hereby appropriated out of any money in the Territorial treasury not otherwise appropriated, to pay the clerks employed by the committee on codifying the laws: To pay J. P. Judson, forty dollars; to pay P. P. Carroll, forty dollars; to pay U. M. Rasin, forty dollars.

SEC. 2. The Territorial auditor is hereby authorized to draw his warrant upon the Territorial treasurer for said sums, which shall be paid out of any money in the Territorial treasury not otherwise appropriated.

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

Approved Dec. 7th, 1881.

AN ACT

FOR THE RELIEF OF CERTAIN CLERKS OF THE EXTRA SESSION OF THE LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the following named persons, who have been employed by the present extra session of the Legislative Assembly, are entitled to pay as follows: John De Tiere, six dollars per day; William H. Hughes, six dollars per day; Cornelia Newton, five dollars per day.

SEC. 2. Upon the termination of the said employment of any of said persons, the chief clerk of the body to which said employe belongs, shall make out and sign a certificate of the number of days such person shall have been in attendance thereon, and of the pay to which he or she is entitled hereunder, which certificate shall be countersigned by the president, or speaker, respectively, of the body in which such person is employed.

SEC. 3. That upon the presentation of such certificate the Territorial auditor be and he is hereby authorized to draw a warrant on the Territorial treasurer in favor of any person holding a certificate of service as above provided, which said warrant shall be paid out any money in the Territorial treasury not otherwise appropriated.

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

Approved December 7th, 1881.

AN ACT

FOR THE RELIEF OF THE OREGON SCHOOL FOR DEAF MUTES.

WHEREAS, Several deaf mute children; residents of this Territory have received board and tuition at the Oregon school for deaf mutes, as follows: Susie Blair, of King county, one and one-half years; Naoma McCarver, of Pierce county, one and one-half years; Annie Bullock, of Lewis county, one year, and Charles Poppy, of Whitman county, three-fourths of a year; And, whereas, The parents and guardians of said children are unable to pay for said board and tuition, and there is at present no law authorizing such payment; Therefore,

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of nine hundred and fifty dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay for said board and tuition.

SEC. 3. That the Territorial auditor is hereby authorized to draw warrant for the said amount in favor of proper officers of said school for deaf mutes.

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

Approved Nov. 6th, 1881.

AN ACT

FOR THE RELIEF OF ALLEN WEIR.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of eighteen dollars be and the same is hereby appropriated out of the treasury of the Territory of Washington for the payment of Allen Weir, of Jefferson county, for services rendered in organizing the present session of the legislative assembly.

SEC. 2. When demanded it shall be the duty of the Territorial auditor to draw a warrant on the Territorial treasurer for said amount, and it is hereby made the duty of the Territorial treasurer to pay the same out of any money in the treasury, not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval.

Approved Nov. 10th, 1881.

AN ACT

FOR THE RELIEF OF B. S. MILLER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That the sum of two hundred and seventy-four dollars and fifty cents (\$274.50) be and the same is hereby appropriated out of the Territorial treasury to pay B. S. Miller for expenses incurred in the recapture of Henry Messy, an escaped prisoner from the county jail of Jefferson county.

Sec. 2. The Territorial auditor is hereby authorized to draw his warrant on the Territorial treasurer for the sum specified in section one of this act, to the order of said B. S. Miller, and the Territorial treasurer is hereby authorized to pay the same out of any money in the Territorial treasury not otherwise appropriated.

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

Approved December 1st, 1881.

AN ACT

TO PROVIDE FOR THE PAYMENT OF PERSONS WHO MAY ASSIST COUNTY SCHOOL SUPERINTENDENTS IN THE EXAMINATION OF TEACHERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That persons who may assist county school superintendents in the examination of teachers, as provided by law, shall be entitled to and receive the amount of three dollars per diem, and ten cents per mile for going to, and returning from, the place where such examination may be made, which shall be paid out of the county treasury.

SEC. 2. This act to be in force from and after its approval by the governor.

Approved December 1st, 1881.

MEMORIALS.

MEMORIALS.

MEMORIAL

PRAYING THAT THE FEDERAL APPOINTMENTS WITHIN THE TERRITORIES BE HEREAFTER CONFERRED UPON RESIDENTS THEREOF.

To the President of the United States:

WHEREAS, Successive administrations have for many years past almost invariably given the federal appointments within the Territories to citizens from the States, thereby unjustly discriminating against the citizens of the Territories, whose intimate knowledge of the wants, resources and commerce of their respective localities render them peculiarly qualified to fill these positions to the satisfaction of all concerned; and,

WHEREAS, The well established and approved practice of according to the citizens of the several States the federal positions within their borders should be, with equal propriety, observed in filling similar positions in the Territories; therefore,

Resolved by the General Assembly of the Territory of Washington, That our delegate to congress be and he is hereby earnestly requested to endeavor to enlist the co-operation of the delegates of the several Territories in procuring the passage of a law requiring that such appointment shall hereafter be made from among the citizens of the Territory wherein the service is to be rendered.

Resolved. That certified printed copies of this memorial be duly forwarded by the secretary of the Territory to the President of the United States and to the heads of the several exec-

utive departments, and also to the presiding officers of both houses of congress, and to our delegate in congress.

Passed the House of Representatives Oct. 18, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 19, 1881.

H. F. STRATTON,

President of the Council.

Approved November 16th, 1881.

MEMORIAL

RELATIVE TO FURTHER APPROPRIATION FOR THE CASCADE LOOKS.

*To the Senate and House of Representatives
of the United States of America in Congress Assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, That a large portion of the people of our Territory, Idaho and the State of Oregon have long suffered the peculiar difficulty of being hedged in and forced to communicate with the world through one gateway, that of the Columbia river in its passage through the Cascade mountains; therefore,

We respectfully urge that justice to a population occupying an empire of more than three hundred thousand square miles, one boundary of which is within one hundred miles of deep water, where ships or steamers may receive their cargoes, demands the earnest prosecution of the work so long under way for our relief. We take pride in presenting to your honorable body assurances that in the production of wheat and other grains, and in the gathered comforts of agricultural homes, both in quantity and quality, we can vie with the most favored soils on the globe, and only ask a through highway and privilege of transportation upon the Columbia river, where, without repeated trans-shipment, our products may reach market and leave a profit to labor. Your memorialists beg leave to represent to your honorable body that the appropriations granted from time to time have been inadequate to carry on the work economically to the government.

Therefore, economy, as well as immense increase of our necessities in all respects, calls for the early completion of this work by the government.

To this end your memorialists earnestly pray that the appropriation for the pursuance of this work be increased to seven hundred and fifty thousand dollars, the sum advised by the government engineer in charge, and your memorialists will ever pray.

Passed the House of Representatives Nov. 22, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 21, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 26, 1881.

MEMORIAL

IN RELATION TO THE HARBOR OF NEAH BAY IN WASHINGTON TERRITORY.

To the Senate and House of Representatives

in Congress Assembled.

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable body, That the harbor of Neah Bay, on the Straits of San Juan De Fuca, is situated immediately within the entrance of said straits, and is the first port in which a vessel can anchor incoming from sea, and the only safe anchorage for over fifty miles from the ocean, and a convenient place of refuge for vessels. It is also an important port for domestic commerce as a fishing and trading port, and is the only harbor or port for the Puget Sound pilots to make their headquarters.

Your memorialists would further represent, That for a number of years, the Department of Interior has extended the Indian reservation over all the eastern side of said harbor, so as to take within said reservation all the country around said bay. That said east side of said bay is not needed by said Indians, and is never occupied by them, and said extension has been

procured by interested persons in order to keep away the traders, and create a monopoly of the trade of that whole section of the Territory in the hands of a single firm.

Your memorialists would further represent, That the post-office of Neah Bay is, of necessity, located on said reservation, and the agent in charge claims the right to prohibit and forbid all persons from going upon said reservation for the purpose of obtaining their mails, or for the purpose of obtaining water from the streams, four of which empty into the bay, for use of their vessels, or of getting wood, or any other necessary purpose whatever, and makes use of an armed posse of Indians to enforce his orders.

Your memorialists would further represent that if said reservation was limited to, and of, its original domain, as created by the treaty of 1855, with said Makah tribe of Indians, a flourishing and thriving town would at once spring up at Neah Bay.

Your memorialists would therefore respectfully pray that said reservation may be limited to its original domain, and that the easterly side of said bay may be opened to settlement under the act in relation to town sites on the public domain.

Passed the House of Representatives, Nov. 8th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 10th, 1881.

H. F. STRATTON,

President of the Council.

Approved November 16th, 1881.

MEMORIAL

IN RELATION TO THE ADMISSION OF WASHINGTON TERRITORY AND
NORTHERN IDAHO AS A STATE.

To the Honorable, the Senate and House

of Representatives of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent: That all that part of Idaho Territory known as "Northern Idaho," and bounded as follows: Commencing at a point in the middle channel of Snake river, on the eastern boundary line of Washington Territory, thence running southerly along the middle channel

of said river to where the 45th parallel crosses said river; thence east along said parallel to where it intersects the meridian 37 degrees and 30 minutes west from Washington, thence northerly along said meridian to the line of the British Possessions; thence west along said line to the eastern boundary line of Washington Territory; thence south along said line to the place of beginning, is separated from the remainder of Idaho Territory by an almost impassable chain of mountains, and that the same is separated from Washington Territory only by an imaginary line, through an open agricultural country; and,

WHEREAS, The people thereof for years past have been, and must continue to be connected by close commercial and business relations with the people of Washington Territory, and they have always been and must continue to be cut off and isolated from the balance of Idaho Territory, and at a remote and inconvenient distance from their capitol, and the natural barriers being such that this condition must forever remain; and,

WHEREAS, The people of said Northern Idaho having, by ballot, and otherwise signified an unanimous desire to be united with Washington Territory for governmental purposes, the House of Representatives of said Idaho Territory did, on the 17th day of January, 1881, pass a memorial praying your honorable body that said Northern Idaho be attached to and made a part of the State of Washington, when the Territory of Washington should be admitted into the Union; and,

WHEREAS, In our opinion the time has arrived when Washington Territory should be admitted into the Union as a State, and believing that by such admission the happiness and best interests of this people, and the welfare of the United States will be promoted;

Therefore, you memorialists humbly and earnestly pray your honorable bodies to pass an enabling act, authorizing and empowering the people of Washington Territory and said Northern Idaho, to form a State Constitution, preparatory to their admission into the Union as a State, and your memorialists will ever pray.

Passed the House Oct. 31st, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 31st, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 4th, 1881,

MEMORIAL

ASKING THE SECRETARY OF WAR TO CONTINUE THE GOVERNMENT
TROOPS AT FORT COLVILLE.

To the Honorable Secretary of War, Washington, D. C.:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That it is currently reported that in the disposition of the United States troops in the department of the Columbia, the garrison at Fort Colville may be reduced, or ultimately withdrawn; and, deeming the maintenance of said garrison of vital importance to that portion of this Territory, we would earnestly present some reasons why the same should be maintained.

The isolated position of Colville Valley, surrounded, as it is, by the different tribes of Indians, comprising the Colville Indian agency, makes it a desirable resort for the Indians of the neighboring reservations, as well as the tribes in the immediate vicinity, and nearly every summer this section is visited by hundreds of Indians of the Nez Perce, Palouse and Yakima tribes, who congregate there with their horses and effects.

The Indians of this locality alone number some 2500, while the white population of town and valley does not exceed 150 families.

The tribes in the vicinity of Colville are non-treaty Indians, and have never looked with favor upon the reservation assigned to them by the government; but, on the contrary, mark with jealous eye the advance of civilization; so much so, that upon learning that government land surveys were to be extended over the valley during the present year, they openly declared their intention to resist it.

The people of that part of the Territory are cut off from all rapid communication with more densely settled portions, by reason of having no railroad, steamboat or telegraph lines, and before aid could be had from Camp Cour d'Alene or Spokane, an armed force of Indians could massacre and lay waste every settlement from the boundary line to the Spokane river.

Again, the rumor of the abandonment of this important post retards the influx of immigration whose tide is now tending in that direction.

Fort Colville is so situated as to be an undeniable protection, not only against the Indians in the immediate vicinity,

but also against the large tribes in British Columbia, with whom these Indians are inter-married, and who, in the event of hostilities, would prove formidable allies.

The direct route of travel to British Columbia is through the Colville reservation.

The great mineral resources of that section are now attracting the attention of those who are engaged in mineral development, and operations in that direction have already begun.

Without the protection afforded by the presence of United States troops at this important point, every such enterprise must be abandoned, and the settler will be kept out, agricultural pursuits be carried on by those now living there with fear and trembling, and mineral developments entirely cease.

Not doubting the ability of the commander of this department to so order and dispose of his troops to the best advantage in an emergency, yet for the continuance of this important post and the consequent security afforded the life and property of our hardy and courageous settlers, we as in duty bound will ever pray.

Passed the House of Representatives Oct. 18th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 17th, 1881.

H. F. STRATTON,

President of the Council.

Approved Oct. 20th, 1881.

MEMORIAL.

ASKING FOR AN APPROPRIATION OF TEN THOUSAND DOLLARS TO REMOVE OBSTRUCTIONS FROM THE CHEHALIS RIVER.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies:

That the Chehalis river is one of the largest rivers in said Territory, west of the Cascade mountains, and that it is a navigable stream for a distance of one hundred miles or more, but is now rendered useless, through a large part of that distance, on account of jams, and other obstructions therein. Said river flows into Gray's Harbor, which possesses a good entrance for vessels, and the valley drained by said river comprises a large area of the most fertile bottom lands. If better facilities for transportation were afforded, there would be a rapid growth and development of this section of country.

Wherefore, your memorialists would respectfully pray, That an appropriation of ten thousand dollars be made for the purpose of opening the Chehalis river to navigation.

And as in duty bound we will ever pray.

Passed the House of Representatives Nov. 10th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council, Nov. 10th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 16th, 1881.

MEMORIAL

RELATIVE TO INCREASED MAIL SERVICE TO ALASKA.

To the Postmaster-General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent that, That part of United States territory, known as Alaska, is rapidly settling up, and large commercial, manufacturing and mining interests have been established in said territory, which are steadily increasing; that they are now deprived of adequate mail service, inasmuch as the entire Territory has but a monthly mail, and the interests of said Territory demand better and increased mail service.

Your memorialists further represent, That the town of Harrisburg, in said Territory, is a place of considerable importance, and that there are extensive mining interests there, and that said town is totally without mail facilities.

Therefore, your memorialists respectfully ask that the mail service on route No. 43,096, from Port Townsend, in Washington Territory, to Sitka, in Alaska, be increased to two trips per month, and that said route be extended to the town of Harrisburg, in Alaska.

And your memorialists will ever pray.

Passed the House of Representatives Nov. 1st, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the council Nov. 2d, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 10th, 1881:

MEMORIAL

RELATIVE TO INCREASED MAIL SERVICE ON ROUTE NO. 43,108, BETWEEN SEATTLE AND BELLINGHAM BAY.

To the Honorable Postmaster-General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent:

That the section of county along the eastern shore of Puget Sound, between the city of Seattle and Bellingham bay, comprises one of the richest agricultural portions of Washington Territory, which is rapidly becoming thickly settled. That an extensive business and commerce are already existing therein, which is constantly increasing; that a great drawback to the increase of business exists there, from the want of proper mail facilities necessary for business, there being but a semi-weekly mail along said extent of country, which is designated as mail route No. 43,108. That the establishment of a tri-weekly mail along said route would greatly facilitate the transaction of business and increase the volume thereof, besides being the means of affording the immigrant additional aid and facility to reach that portion of our Territory, where extensive tracts of rich, agricultural lands are still unoccupied. In view of these facts, your memorialists would respectfully request that you would

establish a tri-weekly mail, on mail route, No. 43,108, to go into operation as soon as practicable.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives Nov. 5th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council, Nov. 5th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 10th, 1881.

MEMORIAL

PRAYING CONGRESS FOR AID TO REMOVE OBSTRUCTIONS FROM NUMEROUS RIVERS EMPTYING INTO PUGET SOUND.

WHEREAS, The want of aid by the federal government towards the removal of obstructions in the numerous rivers emptying into Puget Sound has existed for so many years, and the aid for such improvements is of great importance to the Territory; therefore,

Your memorialists most respectfully request, That the general government make an appropriation sufficient to construct a "snag boat," and to man and equip the same; and that said boat be placed on the waters of Puget Sound, and that the officers thereof be directed to use said boat in removing snags and other obstructions in the navigable portions of the following rivers which empty into Puget Sound, to-wit: The Nooksack river and its tributaries, the Skagit, Stillaguamish, Snohomish, Duwamish, White, Black, and Puyallup rivers.

Your memorialists state that the navigable portions of the above rivers, for steamboats of light draught, will aggregate about four hundred miles, penetrating the richest alluvial bottom lands on the globe, and by aiding the facilities of transportation this vast area of agricultural lands would soon be settled upon by the hardy pioneer, and teem with thrift, industry, and enterprise.

Therefore, your memorialists, the Legislative Assembly of Washington Territory, would most respectfully pray your honorable bodies to make an appropriation as in your wisdom you will think sufficient for the object, and your memorialists will ever pray.

Passed the House Nov. 3d, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 4th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 10th, 1881,

MEMORIAL

ASKING FOR AN APPROPRIATION TO ERECT A CUSTOM HOUSE AT PORT TOWNSEND, WASHINGTON TERRITORY.

*To the Honorable Senate and House
of Representatives in Congress Assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, beg leave to represent to your honorable bodies that there is no government building at Port Townsend, the port of entry for Puget Sound district 103, suitable for custom house purposes, and the steadily increasing commerce demands better facilities. We therefore respectfully petition your honorable bodies to make an appropriation for the building of a custom house at Port Townsend, Washington Territory.

And in behalf of the commercial interests of Puget Sound, your memorialists will ever pray.

Passed the House of Representatives, Oct. 14th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 15th, 1881.

H. F. STRATTON,

President of the Council.

Approved October 19th, 1881.

MEMORIAL

IN RELATION TO RETIRED OFFICERS OF THE UNITED STATES ARMY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the fourth subdivision of section one thousand, eight hundred and sixty of the Revised Statutes of the United States has been construed to prevent the election to any office in any Territory, of officers who are upon the retired list of the army of the United States.

This section was originally enacted before any retired army list existed, and we cannot think that it was intended to exclude from office in the Territories, maimed and wounded soldiers upon the retired list, many of whom have lost a leg or an arm in the service of their country, and who are now bona fide citizens of the Territories.

Wherefore, your memorialists earnestly request, that said section one thousand eight hundred and sixty may be so amended as to confine its operation to officers upon the active list of the army of the United States.

And your memorialists as in duty bound will ever pray.

Passed the House of Representatives Oct. 11, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 11, 1881.

H. F. STRATTON,

President of the Council.

MEMORIAL

RELATIVE TO THE ESTABLISHMENT OF A DISTRICT LAND OFFICE AT
PORT TOWNSEND, WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the establishment of a district land office at Port Townsend, Washington Territory, for a district to be composed of the counties of Jefferson, Clallam, Island, San Juan, Whatcom, Snohomish, King and Kitsap, would be a great benefit to a large number of settlers within said counties. That the whole of the northwestern part of the Territory of Washington is now included in one land district, with the local land office at Olympia. That said office is located less than fifty miles from the southern line of said district and more than two hundred miles from the northern line. That Port Townsend is centrally located for a district to be composed of said counties. That said new district will contain over fifteen thousand square miles and more than 15,000 settlers, and for many other good reasons.

We do most respectfully memorialize your honorable bodies, for the fourth time, to establish a land office at Port Townsend, Washington Territory, for a district to be composed of the counties of Jefferson, Clallam, Island, San Juan, Whatcom, Snohomish, King and Kitsap, in said Territory.

And as in duty bound your memorialists will ever pray.

Passed the House of Representatives Oct 13th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 14th, 1881.

H. F. STRATTON,

President of the Council.

Approved —.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR CLEARING CATHLAPOODLE RIVER.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent, that the Cathlapoodle river and its forks, in this Territory, could be made navigable for river steamers a distance of thirty or forty miles at all seasons of the year; that said stream is the natural outlet

and only channel of conveyance for the transportation of supplies to and produce from a large and growing community settled upon its banks; that it is, with one exception, the only navigable river in western Washington Territory emptying into the Columbia; that said stream drains a large valley of rich agricultural lands; that its mountains abound in rich mineral wealth, such as gold, silver, lead, iron and coal; that there are yet immense tracts of government land suitable for agricultural purposes along said stream yet unsettled, which would soon be settled upon and improved if said stream was rendered navigable throughout the year; that in consequence of numerous bars and snags in its bed, the navigation of said stream is seriously obstructed at all seasons of the year, and during the summer months entirely so, to the great detriment of the growth and prosperity of the country; that said stream has already been surveyed by government, and that an appropriation of ten thousand dollars would remove said obstructions, and render said stream navigable throughout the year, thus opening up to the settlers along its banks a cheap and easy outlet for their products, and bringing within easy reach of the toiling masses of the people a large area of government land yet unoccupied.

Your memorialists would therefore respectfully pray your honorable bodies to pass an act appropriating ten thousand dollars for the improvement of the bars and the removal of snags in the said river, thus rendering it navigable for river steamers throughout the year.

And, as in duty bound we will ever pray.

Passed the House of Representatives Nov. 1st, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 2, 1881.

H. F. STRATTON,

President of the Council.

Approved November 10th, 1881.

MEMORIAL

TO ESTABLISH MAIL ROUTE FROM MUKILTEO, SHOHOMISH COUNTY,
TO LYMAN, WHATCOM COUNTY, VIA PORT SUSAN, W. T.

To the Honorable Postmaster-General of the United States:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the mail facilities afforded to the people of the northern portion of the county of Snohomish and the southern portion of the county of Whatcom, including the valleys of the rivers Steillaguamish and Skagit, are inadequate to the growing demands; that the aforesaid tract of country is rapidly settling up, and the commercial and social interests of the people demand increased and more regular mail service. That they are now supplied once a week from mail route No. 43,108. The mail is carried in small open boats and often delayed by stormy weather.

That steamers run regularly twice each week over the route hereinafter proposed, and that the mail can and will be carried without much expense to the government.

Therefore, your memorialists pray that a mail route be established with service thereon twice each week from Mukilteo on route No. 43,108; thence to Tulalip, thence via Port Susan to Stanwood, Utsalady; Skagit City, Mount Vernon, Sterling and Lyman, a distance of about sixty miles.

Wherefore, your memorialists as in duty bound ever pray.
Passed the House of Representatives Nov. 22, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 23, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 29, 1881.

MEMORIAL

PRAYING AN APPROPRIATION OF \$15,000 FOR REMOVAL OF OBSTRUCTIONS FROM COWLITZ RIVER.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the Cowlitz river drains a rich agricultural country and is now navigated by river steamboats during the rainy season,

from its mouth to the town of Toledo, a distance of forty miles, and could be navigated during the whole year if a few snags and other obstructions were removed from its channel; that in the opinion of persons navigating the river and competent to judge, ten thousand dollars judiciously expended in removing snags and other obstructions from the channel of the river will make it navigable during the whole or greater part of the year from its mouth to the town of Toledo, and that an expenditure of five thousand dollars above the town of Toledo will make the river navigable to a point about fifteen miles above said town.

That the settlements around Toledo and for a distance of fifteen miles below, and for a much greater distance above, are almost exclusively engaged in farming and in agricultural pursuits, and the products of their farms to reach a market must pass down the Cowlitz river.

If the river should be rendered navigable it would open up to settlement one of the richest valleys in Washington Territory.

Therefore, your memorialists pray your honorable body to grant an appropriation of fifteen thousand dollars to remove obstructions from the Cowlitz river.

Passed the House of Representatives Nov. 22nd, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 23d, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 29th, 1881.

MEMORIAL

IN RELATION TO THE CREATION OF ANOTHER JUDICIAL DISTRICT.

*To the Senate and House of Representatives
of the United States of America, in Congress Assembled:*

Your memorialists, the Legislative Assembly of the Territory of Washington, would most respectfully represent, That the Territory of Washington is of vast extent, numbering

70,000 square miles. That it has within its borders, vast mines of iron, coal and precious metals, and great interests in lumbering, shipbuilding, fishing, grazing, agricultural and commercial pursuits. That there are also many flourishing towns and cities on the shores of the great inland sea, known as Puget Sound, which do a large business with the various foreign ports of the world, and vessels from all foreign countries frequent our harbors. That there are situated throughout the great interior of the Territory, many large towns and cities, created and sustained by the great agricultural and grazing industries of that portion of the Territory. That this vast Territory is at present divided into twenty-five large and populous counties, and that the aggregate population of the Territory, now numbers more than one hundred thousand souls. That the great Northern Pacific Railroad is now an established fact, and in consequence thereof, thousands of immigrants are monthly arriving in the Territory seeking homes and vacant government lands. That by reason of such immigration, the present population, the shipping, timber, mineral, grazing and agricultural interests, there is daily arising a great amount of litigation throughout the Territory. That under the present judicial system, two great difficulties arise:

1. The Territory being divided into three judicial districts, the number of terms of courts in each district, are necessarily limited, and totally inadequate to properly hear and grant relief to the great number of litigants prosecuting their claims before them.

2. The vast area embraced in each district, compels litigants in many cases, to travel long distances, at great expense, in order to reach the proper tribunals wherein to present their cases. That by the provision of a fourth district judge and reorganization of the present judicial system in accordance therewith, a great benefit would be conferred upon litigants in the Territory.

Wherefore, your memorialists would most respectfully ask, That your honorable bodies provide for the appointment of a fourth district judge, and the reorganization of the judiciary in manner and conformity, with the present judicial system of the Territory of Dakota, and your memorialists in duty bound will ever pray.

Passed the House of Representatives Nov. 30th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

H. F. STRATTON.

President of the Council.

Approved December 5, 1881.

MEMORIAL.

PRAYING FOR AN APPROPRIATION TO CONSTRUCT A WAGON ROAD
ACROSS THE CASCADE MOUNTAINS, VIA THE SNOQUALMIE PASS
IN WASHINGTON TERRITORY.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable body, That the Cascade range of mountains divides the Territory into western and eastern Washington. That eastern Washington is a great grazing and agricultural country. That in the western, the lumbering and mining interests largely predominate, and that the western is largely dependent upon Oregon and the eastern portion for its supply of beef and breadstuffs. That even in the present undeveloped condition of the western portion, two hundred thousand dollars in gold and silver are taken annually from Puget Sound district to the eastern portion for beef cattle alone. Which sum is expended by the cattle raisers of the eastern section without this Territory, to the great detriment of the western section, and the whole Territory. That the wheat and breadstuffs and dairy products of eastern Washington have to seek a market without the Territory, to the great detriment of both sections. That Puget Sound is the safest and most accessible harbor known, and affords facilities for commerce superior to any other body of water in the world. That a connection of the material interests of the eastern and western sections of the Territory would insure a rapid increase of population and wealth. That direct mail facilities, *via* said pass are of great necessity. That a weekly mail and stage line from the town of Renton in King county to the town of Ellensburg, Yakima county, could run on such wagon road with a very little interruption from snow, and accommodate the traveling public many times when they can not reach the eastern section by the way of the Columbia river, on account of the heavy expense attached thereto. The unity and ultimate prosperity of both sections of the Territory require that every means should be fostered to protect and promote the material interests of both sections; and, therefore,

We, your memorialists, pray that the sum of \$75,000 be appropriated for the construction of said wagon road; and we further ask your honorable body to appoint a commissioner to disburse said appropriation under such rules and restrictions as

your honorable body may prescribe. And your memorialists add the following resolution:

Resolved, That our delegate in congress be instructed to represent the interests of his Territory in securing said appropriation and suggest the proper mode of its application to the purpose intended.

As in duty bound your memorialists will ever pray.

Passed the House of Representatives Nov. 30th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 23d, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 1st, 1881.

MEMORIAL

PRAYING FOR A GRANT OF LAND EIGHTY FEET WIDE WITHIN AND ALONG THE WESTERN BOUNDARY LINE OF THE UNITED STATES MILITARY RESERVATION AT VANCOUVER, WASHINGTON TERRITORY, TO THE CORPORATE AUTHORITIES OF THE CITY OF VANCOUVER, FOR A STREET.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent to your honorable body, That the city of Vancouver, in Clarke county, Washington Territory, as laid out and built up, is contiguous to and adjoins the Western boundary line of the United States Military Reservation located at that place, and that between the city and the reservation no public street or highway has ever been permanently established or opened to public use. That according to recent surveys and re-location of the western boundary line of said reservation, its true course and place as now ascertained infringes upon certain county building and the property and improvements of numerous citizens of said city, who hold and own lots and blocks along said line and who have valuable improvements thereon. That to enable these citizens to possess the

free use and enjoyment of their property, as well as to promote and facilitate communication between the occupants of said military reservation and the inhabitants of the city and surrounding country, it is absolutely necessary that a tract of land at least eighty feet in width within and along said western boundary line of the said military reservation be granted to the corporate authorities of the said city of Vancouver for a street and public pass-way. That the necessity of such street is now great and increases with every year's growth and prosperity of the said city and with every addition to the importance of said reservation as a military post and as the location of the headquarters of the military department of the Columbia. That the large and extensive character of said military reservation renders it easy and expedient to grant such portion thereof for the purposes herein designated.

Wherefore, your memorialists respectfully pray that a strip of land eighty feet in width within and immediately along and upon the western boundary line of the United States military reservation at Vancouver barracks, Washington Territory, be granted to the corporate authorities of Vancouver in said Territory as and for a street and public pass-way.

And your memorialists will ever pray.

Passed the House of Representatives Nov. 30th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the council Nov. 30th, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 1st, 1881.

MEMORIAL

FOR THE RELIEF OF ALLEN L. PORTER.

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

Your memorialists, the Legislative Assembly of the Territory of Washington, would respectfully represent to your honorable bodies, that Allen L. Porter carried the United States mail regularly semi-monthly from Steilacoom, *via* Port Town-

send to Bellingham Bay, in this Territory, from the 28th day of September, A. D., 1856, to the 28th day of February, A. D., 1857, a period of five months, and that during that time there were no mail facilities between those points, a distance of one hundred and fifty-five miles. Your memorialists would further represent that the above mentioned mail service was indispensable and necessary to the citizens as well as the officers and soldiers of the military post at each of the above mentioned places, and was undertaken in consequence of the great necessity then existing for mail facilities, in the full and firm belief on the part of said Porter, that the government, as it has done in similar cases, would render him adequate compensation, which your memorialists respectfully beg leave to ask of your honorable bodies.

Passed the House of Representatives Nov. 8th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 10th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 16th, 1881.

MEMORIAL

RELATIVE TO LIFE SAVING STATIONS AND LIGHT HOUSES.

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

WHEREAS, The Governor has by special message, called the attention of the Legislative Assembly to certain instances of marine disaster which have recently happened at Shoalwater Harbor and has made reference to the inadequacy of the means there and elsewhere in our territory, for the better preservation of life and property from shipwreck, we do therefore respectfully memorialize Congress to provide our shores with appliances used elsewhere upon the coast of the United States for the purposes indicated and pray that new light houses be established, one at Chehalis Point, on the south side Gray's Harbor, one at some suitable point further north and in the vicinity of

Quinalt, one at Alki Point, on Puget Sound, one at Point Defiance and another between Steilacoom and Olympia; we further represent, that the life saving stations now established on the Pacific coast of the United States, be provided with paid crews as established under the government and that a station be established at the earliest possible time at Chehalis Point.

Passed the House of Representatives Dec. 1st, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Dec 1st, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 1st, 1881.

MEMORIAL

PRAYING CONGRESS FOR AN APPROPRIATION TO REIMBURSE THE TERRITORY OF WASHINGTON FOR EXPENSES INCURRED IN THE INDIAN OUTBREAK.

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

Your memorialists, the Legislative Assembly of Washington Territory, respectfully represent, that during the late Indian outbreak in Washington and Idaho, in the years 1877-78, certain claims and expenses incurred in suppressing said outbreak, aggregating the sum of \$3,447.87, were paid by the Territory of Washington.

E. P. Ferry, Governor.....	\$297 11
Schwabacher Brothers & Co.....	60 00
Johnson, Reese & Winans.....	63 00
O. S. N. Co.....	403 28
Stevens county.....	243 69
Klickitat county.....	67 89
Yakima county.....	503 69
Yakima county.....	1,622 35
Walla Walla county.....	186 86

\$3,447 87

And your memorialists ask, that an appropriation be made

by your honorable body to reimburse the Territory of Washington in the sum of \$3,447.87, so paid.

And, as in duty bound, your memorialists will ever pray.

Passed the House of Representatives Dec. 7th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council, Dec. 7th, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 7th, 1881.

MEMORIAL

RELATIVE TO SHIPPING COMMISSIONERS.

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

Your memorialists, the Legislative Assembly of Washington Territory, would respectfully pray that chapter one, (1), of title fifty-three, (53), of the Revised Statutes of the United States be so amended as to permit the several district courts of the Territories, within the jurisdiction of which there is a port of entry, which is also a port of ocean navigation, to appoint shipping commissioners, and to authorize the judges of such courts to fix and approve the bonds of such commissioners.

And your memorialists will ever pray.

Passed the House of Representatives Oct. 27th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 26th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 8th, 1881.

RESOLUTIONS.

RESOLUTIONS.

RESOLUTION

RELATIVE TO AN EXTRA SESSION OF THE LEGISLATURE.

Resolved by the House, the Council concurring, That a committee of three on the part of the house, with a like committee on the part of the council, be appointed to consider the message from the Governor in relation to extension of our session, and to confer with the Governor in regard thereto.

Passed the House of Representatives, Nov. 25th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 25, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 29th, 1881.

RESOLUTION

RELATIVE TO APPOINTMENT OF JOINT COMMITTEE TO ADJUST
MILEAGE.

Resolved by the Council, the House concurring, That a committee of two on the part of the council, and three on the part of the house, be appointed to adjust the mileage of members of both branches of the legislature respectively.

Passed the House Oct. 5th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 4th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTIONS.

RESOLUTION

RELATIVE TO EXAMINATION OF BOOKS AND ACCOUNTS OF THE TERRITORIAL AUDITOR AND TREASURER.

Resolved by the House, the Council concurring, That the committees of ways, means and claims, of both houses, be instructed to examine the offices, and accounts of the Territorial auditor and treasurer, and report the condition thereof.

Passed the House of Representatives Nov. 26th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 29th, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 1st, 1881.

RESOLUTION

RELATIVE TO PAY OF CERTAIN CLERKS.

Resolved by the Council, the House concurring, That the clerks employed by the three joint committees for revising and codifying the laws shall receive eight dollars per day for each and every day's actual service in revising and codifying of the laws until said codification shall have been reported to the Legislative Assembly. Each joint committee shall have full authority to dismiss said clerks for inefficiency or negligence of duty.

Passed the House Oct. 19th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 19th, 1881.

H. F. STRATTON,

President of the Council.

Approved November 29th, 1881.

RESOLUTION

IN RELATION TO REBATE OF TERMS OF IMPRISONMENT OF TERRITORIAL CONVICTS.

Resolved by the House, the Council concurring, That this Legislative Assembly believe it to be expedient, and do therefore recommend, that the governor of Washington Territory, exercise the privilege of granting a rebate of as much as he deems proper of the time for which any territorial convict may have been imprisoned in the Territorial penitentiary. Said rebate, to be made for uniform good conduct, properly certified to by the superintendent of the penitentiary.

Passed the House of Representatives Nov. 28th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 29th, 1881.

H. F. STRATTON,

President of the Council.

Approved December 1st, 1881.

RESOLUTION

IN RELATION TO JOINT ACTION BY THE COUNCIL AND HOUSE IN THE MATTER OF PRINTING PAID FOR BY THE TERRITORY.

Resolved by the Council, the House concurring, That all reports of Territorial officers, and all matters requiring printing to be paid for by the Territory, shall be submitted for the joint action of the council and house of representatives.

Passed the House Oct. 11, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives,

H. F. STRATTON,

President of the Council.

Passed the Council Oct. 10, 1881.

RESOLUTIONS.

RESOLUTION

IN RELATION TO TERRITORIAL PRINTING.

Resolved by the House, the Council concurring, That a committee of three on the part of the house, and two on the part of the council, be appointed for the purpose of inquiring into the matter of incidental public printing of this session, and to ascertain the cost of the same.

Passed the House of Representatives Oct. 10th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 10th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

IN REGARD TO THE USE OF FURNITURE AND OTHER PROPERTY NOW
IN THE CAPITOL BUILDING, BELONGING TO THE UNITED STATES.

Be it resolved by the House, the Council concurring, That nothing in House Joint Resolution No. 16, approved Nov. 5th, 1881, shall be so construed as the permit the use by any person or persons, of any of the property of the United States, in said capitol building, for which the secretary of the Territory is responsible, without the consent of said secretary.

Passed the House of Representatives, Dec. 1st, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Dec. 1, 1881.

H. F. STRATTON,

President of the Council.

Approved December 1st, 1881.

RESOLUTION

RELATIVE TO TERRITORIAL AND COUNTY OFFICERS FURNISHING STATISTICS FOR PUBLICATION IN THE COMING WORK ENTITLED "COMMERCE AND INDUSTRIES OF THE PACIFIC COAST."

WHEREAS, John S. Hittell, Esq., author and statistician, is now engaged in preparing for publication a work entitled, "The Commerce and Industries of the Pacific Coast," the advance sheets of which proposed work satisfy us that such publication will be vastly beneficial to the people and interests of Washington Territory, in common with the whole North-west America, therefore,

Resolved by the Council, the House concurring, That all Territorial and county officers be requested to supply any and all statistics and information in their custody and of record in their respective offices on demand, to the said author and compiler.

Passed the House of Representatives Oct. 17th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the council Oct. 14th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO NEW BUSINESS.

Resolved by the Council, the House concurring, That after Monday the 28th inst., no new business (excepting from the governor and from the Code committee,) shall be considered, except by unanimous consent of both houses.

Passed the House Nov. 28th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 25th, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 1st, 1881.

RESOLUTION.

RELATIVE TO THE REVISION AND CODIFICATION OF WASHINGTON
TERRITORY STATUTES.

Resolved by the House of Representatives, the Council concurring, That a committee of three of the house and two of the council be appointed to ascertain and report as soon as possible, the best method of revision and codification of the Washington Territory Statutes, and also whether it would be advisable to undertake either, or both, during this session.

Passed the House of Representatives Oct. 6, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 6th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO APPOINTMENT OF JOINT COMMITTEE TO APPORTION THE
LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY.

Resolved by the Council, the House concurring, That a joint committee of three on the part of the council, and five on the part of the house, be appointed as a committee to prepare and report a bill to apportion the members of the Legislative Assembly of Washington Territory.

Passed the House Oct. 13th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 11th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

IN RELATION TO JOINT COMMITTEE ON PRINTING TO CONTRACT FOR
PRINTING CERTAIN REPORTS.

Resolved by the Council, the House concurring, That the joint committees on printing, appointed by the Legislative Assembly, be and are hereby authorized to contract for the printing of five hundred copies of the report of the board of Insane. Two hundred and fifty of the report of the board of the Territorial University, memorials, resolutions and such other matter as the Legislature may direct, at once, and at such rates as such joint committee may contract.

Passed the House of Representatives Oct. 19th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 19th, 1881.

H. F. STRATTON,

President of the Council.

Approved Oct. 29th, 1881.

RESOLUTION

RELATIVE TO THE PROPER RECOGNITION OF OFFICERS AND SOLDIERS
WHO SERVED AS VOLUNTEERS FROM WASHINGTON TERRITORY,
DURING THE NEZ PERCE INDIAN WAR OF 1877.

WHEREAS, During the Nez Perce Indian war of 1877, many of the citizens of Washington Territory, recognizing the danger surrounding them, and the necessity for taking up arms in defense of their homes, and especially in the defense of the settlers about Mount Idaho, did volunteer their services as soldiers in suppressing the uprising of said Indians; and,

WHEREAS, Said volunteers were duly organized into companies and regiments, and such organizations were accepted and armed by Gen. O. O. Howard, commanding the department of the Columbia, and by him strongly recommended to the consideration of the Territory of Washington and Congress of the United States; and

RESOLUTIONS.

WHEREAS, Said volunteers have never received public recognition at the hands of the Territorial or United States authorities except as before mentioned; therefore,

Be it resolved by the Council, the House concurring, That the governor of this Territory be requested, and he is hereby authorized to issue commissions to the several persons who commanded and officered said volunteer companies, and otherwise suitably recognize the services of said volunteers; said commissions to bear date of the day of the election of said officers and time of said organization.

Resolved, That Hon. Thomas H. Brents, our delegate in congress, be furnished a copy of these resolutions by the secretary of the Territory, together with a copy of the memorial passed November 13th, 1879, praying congress for the relief of volunteer soldiers in the Nez Perce Indian war of 1877.

Passed the House of Representatives Oct. 19, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 11th, 1881.

H. F. STRATTON.

President of the Council.

Approved October 29th, 1881.

 RESOLUTION.

RELATIVE TO POSTAGE FOR MEMBERS.

Resolved by the House, the Council concurring, That the chief clerks of the respective houses be instructed to purchase of the postmaster, at Olympia, postage stamps for the use of the Legislative Assembly for the year 1881. That the clerk of the house of representatives be authorized to expend one hundred and twenty dollars for stamps, for the use of its members, and that each representative shall receive five dollars' worth of said stamps. And that the clerk of the council be authorized to expend sixty dollars for the use of its members, and that each councilman shall receive five dollars' worth of said stamps. That the said sum of one hundred and eighty dollars is hereby appropriated out of any money in the Territorial

treasury not otherwise appropriated, and the Territorial auditor is hereby authorized to issue warrants on the Territorial treasury to said clerks for said sums, and the Territorial treasurer is hereby authorized to pay the same out of any money in the Territorial treasury not otherwise appropriated.

Passed the House of Representatives Oct. 7th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 7th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO APPOINTMENT OF JOINT COMMITTEE ON RULES AND ORDER.

Resolved by the Council, the House concurring, That a committee of five, two on the part of the council, and three on the part of the house, be appointed a committee on joint rules and order.

Passed the House of Representatives Oct. 5th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 5th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

INSTRUCTING COMMITTEES ON WAYS, MEANS AND CLAIMS TO ASCERTAIN AMOUNT OF EXPENSES BY TERRITORY BY LATE INDIAN OUTBREAK, REPORT BY MEMORIAL TO CONGRESS TO REIMBURSE THE TERRITORY.

Be it resolved by the House, the Council concurring, That the committees of ways means and claims of the council

RESOLUTIONS.

and house are instructed to ascertain the amount of expense incurred by the Territory, in the late Indian outbreak and prepare and report memorial asking congress to reimburse the Territory.

Passed the House of Representatives Nov. 23d, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council, Nov. 26th, 1881.

H. F. STRATTON,

President of the Council.

Approved Dec. 1st, 1881.

 RESOLUTION

PERMITTING THE SUPREME COURT OF WASHINGTON TERRITORY TO USE THE CAPITOL BUILDING.

Be it resolved by the House, the Council concurring, That the supreme court of the Territory may occupy the capitol building, for the purpose of holding its terms; also the clerk of said court may occupy one of the committee rooms for the purpose of office and keeping the records and papers of said court.

Passed the House of Representatives Oct. 29th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 31st, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 5th, 1881.

 RESOLUTION

IN RELATION TO PRINTING NEW CODE.

Resolved by the Council, the House concurring, That a committee of three be appointed, one on the part of the coun-

eil and two on the part of the house, to take immediate action in relation to printing and binding 2,000 volumes, or as many as may be necessary, of the new Code of laws for the use of the Territory, and that said committee be authorized to confer with secretary of Territory in relation to the same.

Passed the House of Representatives Nov. 9th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 8th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 16th, 1881.

RESOLUTION

RELATIVE TO POSTAGE.

Resolved by the House, the Council concurring, That a joint committee consisting of two on the part of the house, and one on the part of the council, be appointed to confer with the secretary on the subject of postage.

Passed the House of Representatives Nov. 4th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Nov. 4th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 10th, 1881.

JOINT RESOLUTION

PROVIDING FOR THE PURCHASE OF SET OF LAWS OF THE TERRITORY FOR THE EXECUTIVE OFFICE.

Resolved by the Council, the House concurring, That the Territorial auditor be instructed to issue a warrant on the Ter-

RESOLUTIONS.

ritorial treasurer for the sum of sixty-two 50-100 dollars to Clarence B. Bagley, for a bound set of the laws of Washington Territory for the use of the executive office of said Territory.

Passed the House of Representatives, Oct. 11th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 8th, 1881.

H. F. STRATTON,

President of the Council.

Approved October 17th, 1881.

RESOLUTION

IN RELATION TO A SPECIAL COMMITTEE TO FIX THE TIMES AND PLACES OF HOLDING THE TERMS OF THE DISTRICT COURTS IN WASHINGTON TERRITORY.

Resolved by the Council, the House concurring, That a committee of two, on the part of the council, and three, on the part of the house, be appointed to fix the time and places of holding the several terms of the district courts, in Washington Territory; to report by bill or otherwise.

Passed the House Oct. 7th, 1881.

GEORGE COMEGYS.

Speaker of the House of Representatives.

Passed the Council Oct. 7th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO TERRITORIAL AND COUNTY OFFICERS FURNISHING STATISTICS FOR PUBLICATION IN THE COMING WORK ENTITLED "COMMERCE AND INDUSTRIES OF THE PACIFIC COAST."

WHEREAS, John S. Hittell, Esq., author and statistician, is now engaged in preparing for publication a work entitled, "The

Commerce and Industries of the Pacific Coast," the advance sheets of which proposed work satisfy us that such publication will be vastly beneficial to the people and interests of Washington Territory, in common with the whole North-west America, therefore,

Resolved by the Council, the House concurring, That all Territorial and county officers be requested to supply any and all statistics and information in their custody and of record in their respective offices, on demand to the said author and compiler.

Passed the House of Representatives Oct. 17th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 14th, 1881.

H. F. STRATTON,

President of the Council.

Approved Nov. 10th, 1881.

RESOLUTION

RELATIVE TO VISITING PUBLIC INSTITUTIONS.

Resolved by the Council, the House concurring, That the two houses resolve themselves into a joint committee of the whole, on Friday, Oct. 21st, 1881, for the purpose of visiting the Penitentiary, Insane Asylum, and Territorial University. And that a joint committee of three, one on part of the council, and two on the part of the house, be appointed to make all necessary arrangements.

Resolved, That to enable said committee of the whole to visit said public institutions, that when the two houses adjourn on Thursday, Oct. 20th, that they adjourn until Tuesday, the 25th instant, at 2 P. M.

Passed the House Oct. 19th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 19th, 1881.

H. F. STRATTON,

President of the Council.

Approved Oct. 20th, 1881.

RESOLUTION

RELATIVE TO A REVENUE BILL AND ROAD LAW.

Resolved by the Council, the House concurring, That the joint committees on judiciary, counties and printing, which now have in charge the codification of the laws, be constituted a joint committee to prepare and submit to the legislature a revenue and road law.

That the committee so constituted hold sessions each evening, from seven to half-past seven o'clock, at the joint committee room, to receive suggestions from members of both houses.

That such committee report both of said laws to the Legislature, not later than the 31st day of October, 1881.

Passed the House of Representatives, Oct. 19th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 19th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO THE JOINT RULES OF THE LAST SESSION.

Resolved by the Council, the House concurring, That joint rules of the last session be adopted until otherwise ordered.

Passed the House Oct. 4th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 4th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO EXTENDING AN INVITATION TO HENRY VILLARD AND OTHERS.

WHEREAS, Henry Villard and others, capitalists, are at present visiting the Territory of Washington with a view of learning its resources and claims to future development; and,

WHEREAS, The Legislature of said Territory deems it a fit opportunity to present the claims of the respective sections for the investment of capital; therefore,

Be it resolved by the Council, the House concurring, That his excellency, the governor of Washington Territory, be requested to extend an invitation to said Henry Villard and parties accompanying, to visit the capitol at its present session.

Passed the House Oct. 4th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives,

Passed the Council Oct. 4th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTION

RELATIVE TO THE APPOINTMENT OF A JOINT COMMITTEE TO WAIT UPON THE GOVERNOR.

Resolved by the Council, the House concurring, That a committee of two be appointed by the president to confer with a like committee, chosen by the house, to wait upon the Governor and inform him that both houses are now organized and ready to receive any communication he may be pleased to make.

Passed the House of Representatives Oct. 4, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 4th, 1881.

H. F. STRATTON,

President of the Council.

RESOLUTIONS.

RESOLUTION

TO INQUIRE INTO THE MILEAGE OF THE MEMBERS.

Resolved by the House of Representatives, the Council concurring, That a committee of two on the part of the house, and one of the council, be appointed to wait on the secretary of Washington Territory, and ascertain why it is that only eleven and one-half cents a mile, is apportioned for the members of this assembly.

Passed the House Oct. 14th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 15th, 1881.

H. F. STRATTON,

President of the Council.

Approved Oct. 19th, 1881.

RESOLUTION

RELATIVE TO EXECUTIVE CHAMBER.

Resolved by the Council, the House concurring, That his excellency, governor William A. Newell, be authorized to use the room on the second floor in which the Territorial library is contained, as an executive chamber until otherwise ordered or provided.

Passed the House of Representatives Oct. 4th, 1881.

GEORGE COMEGYS,

Speaker of the House of Representatives.

Passed the Council Oct. 4th, 1881.

H. F. STRATTON,

President of the Council.

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