

SEC. 13. There is hereby appropriated for the use of the Appropriation. state board of horticulture, as set forth in this act, out of the moneys in the state treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, for the year commencing April 1st, 1891; five thousand dollars, or so much thereof as may be necessary, for the year commencing April 1st, 1892; and the state auditor shall draw his warrant upon the state treasurer in favor of the treasurer of said board for said sums, or any part thereof, when they may become available, upon proper demand being made for the same by said board.

SEC. 14. The said board shall report to the legislature, commencing January, 1893, what, if any, legislation is needed in aid of the horticultural and fruit growing interests of the state.

SEC. 15. Inasmuch as there is great danger to the fruit Emergency. and horticultural interests of the state from pests and other causes, and no means exists whereby they can be remedied, therefore an emergency exists, and this act shall take effect from and after its approval by the governor.

Approved February 16, 1891.

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## CHAPTER X.

[H. B. No. 59.]

### BAILIFFS IN SUPERIOR COURTS.

AN ACT to provide for the payment of bailiffs of the superior courts.

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

SECTION 1. That bailiffs of the several superior courts Compensation. of this state, appointed by the respective judges thereof, shall be paid for their services, not to exceed three dollars (\$3) per day, by the county in which the court is held.

SEC. 2. From time to time, the superior judge of the Duty of judge. county shall certify the amount due any such bailiff, and

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order the payment thereof; and thereupon the county auditor shall issue to such bailiff a warrant on the county treasurer, payable out of the general fund, for the amount so certified.

Approved February 16, 1891.

## CHAPTER XI.

[S. B. No. 32.]

### PROCEDURE IN CRIMINAL ACTIONS.

Sections amended.

AN ACT relating to procedure in criminal actions and proceedings in justices' courts and before magistrates, and amending sections 1890, 1891, 1894, 1893, 1895, 1896, 1902, 1905, 1916, 1917, 1923, 1926, 1927, 1929, 1932 and 1972 [1272] of the Code of Washington of 1881.

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

Jury.

SECTION 1. Section 1890 of the code of Washington of 1881 is amended to read as follows: In all trials for offenses within the jurisdiction of a justice of the peace, the defendant or the state may demand a jury, which shall consist of six, or a less number, agreed by the state and accused, to be impaneled and sworn as in civil cases; or the trial may be by the justice. When the complaint is for a crime or misdemeanor in the exclusive jurisdiction of the superior court, the justice hears the case as a committing magistrate, and no jury shall be allowed.

Duty of Jury.

SEC. 2. Section 1891 of said code of 1881 is amended to read as follows: Such justice or jury, if they find the prisoner guilty, shall assess his punishment; or if, in their opinion, the punishment they are authorized to assess is not adequate to the offense, they may so find, and in such case the justice shall order such defendant to enter recognizance to appear in the superior court of the county, and shall also recognize the witnesses, and proceed as in proceedings by a committing magistrate.

Recognizance.

SEC. 3. Section 1894 of said code of 1881 is amended