

an indictment presented by a grand jury has been quashed, and the grand jury returning the same is not in session or has been discharged. 3. When a cause has been appealed to the supreme court and reversed on account of any defect in the indictment. 4. Whenever a public offense has been committed, and the party charged with the offense is not already under indictment therefor, and the court is in session and the grand jury is not in session or has been discharged. 5. Whenever the court is in session, or not in session, and any person has been committed by any committing magistrate for any felony or misdemeanor not within the exclusive jurisdiction of a justice's peace court.

Approved March 7, 1891.

CHAPTER CXVIII.

[H. B. No. 306.]

TO APPROPRIATE MONEY FOR ARTESIAN WELLS.

“AN ACT to appropriate money for the prosecution of the artesian well authorized and commenced under an act passed by the legislature of the Territory of Washington,” and approved on the 2d day of February, A. D. 1888.

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

SECTION 1. The sum of twenty-five hundred dollars (\$2,500) is hereby appropriated out of any moneys in the treasury of the State of Washington not otherwise appropriated, for the further prosecution of the artesian well heretofore authorized and commenced under and by virtue of an act passed by the legislature of the Territory of Washington, and approved on the 2d day of February, A. D. 1888, and entitled “An act appropriating one thousand dollars for the purpose of sinking an artesian well in Yakima county, upon condition that the county commissioners of said county appropriate a like sum, and providing for the disbursement thereof.”

SEC. 2. The auditor of the State of Washington shall

draw a warrant in favor of the contractor prosecuting the work hereinafter described, in the manner hereinafter provided for, payable out of any moneys in the treasury in [of] the state not otherwise appropriated.

Conditions of appropriation.

SEC. 3. This act shall not be of any effect unless the county of Yakima appropriate the sum of twenty-five hundred dollars (\$2,500) to be used in common with the fund hereby appropriated by the state for the prosecution of said work. And the county commissioners of Yakima county are hereby empowered to make such an appropriation, if they deem the same advisable.

SEC. 4. When the county commissioners of Yakima county make the appropriation hereinbefore mentioned, they shall advertise for bids for the further continuance of the boring of the artesian well heretofore located and commenced under and by virtue of the provisions of the act hereinbefore described, and shall let said work to the lowest bidder; and they shall from time to time as the work progresses, make duplicate estimates of the said work, and file one copy of the same in the office of the auditor of the county, and one copy thereof with the auditor of the state. Whereupon, the auditor of the county shall draw his warrant upon the county treasurer for one-half of the said estimate, in favor of the contractor, and the auditor of the state shall draw his warrant for one-half of the said estimate upon the state treasurer, till the amount herein appropriated shall have been exhausted.

Duties of county auditor and treasurer.

Limit for compliance.

SEC. 5. Unless the county commissioners of said county make the appropriation to be made by them, and hereinbefore provided for, before the first day of January, 1892, this appropriation shall be considered as canceled and thereafter of no effect.

SEC. 6. When a stream of water satisfactory to the county commissioners of said county has been struck, so much of this appropriation as has not been used shall be returned into the state treasury.

Approved March 7, 1891.