

violation of the provisions of this section, whether contracted within or without this state, shall be void.

SEC. 2. Whenever judgment or decree of divorce from the bonds of matrimony is granted by any court in this state, such judgment or decree shall expressly prohibit the plaintiff and defendant named therein from contracting any marriage with third parties within the period of six months from the date of the entry of such judgment or decree, and in case either party to said decree shall re-marry within said period, he or she shall be deemed guilty of contempt of the court granting such judgment or decree, and shall be proceeded against and punished in like manner as in other cases of contempt of court.

SEC. 3. It shall be the duty of the prosecuting attorney of each county to prosecute for contempt any person violating the provisions of any decree mentioned in the last section rendered by any superior court of his county.

Approved March 9, 1893.

CHAPTER XCV.

[H. B. No. 322.]

PROVIDING FOR RE-ASSESSMENT OF COSTS OF LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to and authorizing the collection of assessments for local improvements by a new assessment or re-assessment of the cost and expense of making same in cities and towns, and declaring an emergency.

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

SECTION 1. That whenever an assessment for laying out, establishing, closing, straightening, altering, widening, grading, re-grading, paving, re-paving, planking, re-planking, sidewalking and bridging, macadamizing, re-macadamizing, graveling, re-graveling, piling, re-piling, capping, re-capping, any street, avenue or alley, or for any local improve-

ment, which has heretofore been made or which may hereafter be made by any city or town, has been or may be hereafter declared void and its enforcement under the charter or laws governing such city or town refused by the courts of this state, or for any cause whatever has been heretofore or may be hereafter set aside, annulled or declared void by any court, either directly or by virtue of any decision of such court, the council of such city or town shall, by ordinance, order and make a new assessment or re-assessment upon the lots, blocks or parcels of land which have been or will be benefited by such local improvement, to the extent of their proportionate part of the expense thereof, and in case the cost shall exceed the actual value of such local improvement the new assessment or re-assessment shall be for and based upon the actual value of the same at the time of its completion; and to this end the board of public works or other proper authority of such city or town shall make a new assessment roll in equitable manner with reference to the benefits received, as near as may be in accordance with the law in force at the time such re-assessment is made, and when the same shall have been confirmed and approved by the council it shall be enforced and collected in the same manner that other assessments for local improvements are enforced and collected under the charter or laws governing such city or town; but all proceedings relative to making the expense of local improvements chargeable upon property benefited thereby, required and provided by the charter or laws of such city or town prior to the making of original assessment roll, shall not be included nor required within the purpose of this act.

Board of public works may make a new assessment.

SEC. 2. The city council of such city or town shall by ordinance order and make a new assessment or re-assessment, as provided in preceding section, upon the lots, blocks, or parcels of land, which have been or will be benefited by such improvement, to the extent of their proportionate part of the cost, expense and value thereof.

City council to make new assessment.

SEC. 3. Upon the passage of an ordinance, as hereinbefore provided, the board of public works, or other proper authority of such city or town, shall make out an assessment

roll according to the provisions of the said ordinance, and shall certify the same to the council of such city or town.

Notice.

SEC. 4. Upon receiving the said assessment roll the clerk of such city or town shall give notice by three (3) successive publications in the official newspaper of such city or town, that such assessment roll is on file in his office, the date of filing of same, and said notice shall state a time at which the council will hear and consider objections to said assessment roll by the parties aggrieved by such assessment. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may within ten (10) days from the last publication provided herein, file with the clerk his objections in writing to said assessment.

Council to hear and determine all objections.

SEC. 5. At the time appointed for hearing objections to such assessment the council shall hear and determine all objections which have been filed by any party interested, to the regularity of the proceedings in making such re-assessment and to the correctness of the amount of such re-assessment, or of the amount levied on any particular lot or parcel of land; and the council shall have the power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise, correct, confirm, or set aside, and to order that such assessment be made *de novo*, and such council shall pass an order approving and confirming said proceedings and said re-assessment as corrected by them, and their decision and order shall be a final determination of the regularity, validity and correctness of said re-assessment, to the amount thereof, levied on each lot or parcel of land. If the council of any such city consists of two houses the hearing shall be had before a joint session, but the ordinance approving and confirming the re-assessment shall be passed in the same manner as other ordinances.

SEC. 6. The fact that the contract has been let or that such improvement shall have been made and completed in whole or in part shall not prevent such assessment from being made, nor shall the omission, failure or neglect of any officer or officers to comply with the provisions of the charter or laws governing such city or town, as to petition,

notice, resolution to improve, estimate, survey, diagram, manner of letting contract or execution of work, or any other matter whatsoever connected with the improvement and the first assessment thereof, operate to invalidate or in any way effect [affect] the making of the new assessment or re-assessment as provided for by this act, charging the property benefited with the expense thereof: *Provided*, That such new assessment shall be for an amount which Proviso. shall not exceed the actual cost and value of the improvement, together with any interest that shall have lawfully accrued thereon, and that such amount be equitably apportioned upon the property benefited thereby, according to the provisions of the charter or laws of such city or town. It being the true intent and meaning of this act to make the cost and expense of all local improvements payable by the real estate benefited by such improvement by making a re-assessment therefor, notwithstanding that the proceedings of the common council or board of public works or any of its officers may be found irregular or defective, whether jurisdictional or otherwise; when such re-assessment is completed all sums paid on the former attempted assessment shall be credited to the property on account of which the same was paid.

SEC. 7. In all cases where the treasurer, city or town authorities, shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceedings subsequent to the confirmation of such assessment, the council is authorized and empowered to cause a new warrant or order to issue to the treasurer or other proper officers for the collection of any assessment which, by reason of such irregularity or omission, remains unpaid and not collected. The treasurer or other proper officers shall proceed under such new warrant or order to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this act, for the enforcement and collection of special assessments, after the same shall have been confirmed as in this act provided; and as often as any failure shall occur by reason of such irregularities or omissions, a new warrant or order may issue, and new proceedings be

New proceedings may be had for enforcing assessment void through irregularity or omission.

had in like manner, until such special assessment shall be fully collected as to each and every lot or parcel of land charged therewith.

Objector's
right of appeal.

SEC. 8. Any person who has filed objections to such new assessment or re-assessment, as hereinbefore provided, shall have the right to appeal to the superior court of this state and county in which such city or town may be situated.

Manner of
taking appeal.

SEC. 9. Such appeal shall be made by filing a written notice of appeal with the clerk of such city or town within ten (10) days after such new assessment or re-assessment roll shall have been approved and confirmed by the council, and said notice shall describe the property and the objections of such appellant to such assessment, and such appellant shall also file with the clerk of the superior court aforesaid, within twenty (20) days from the approval and confirmation of such roll by the council, a copy of said notice, appeal, re-assessment roll and proceedings thereon, certified by the clerk of such city or town, together with a bond to such city or town, conditioned to pay all costs that may be awarded against the appellant in such sum not less than two hundred (\$200) dollars and with such security as shall be approved by a judge of said court, and the case shall be docketed by the clerk of such court in the name of the person taking such appeal against said city or town, as "an appeal from assessments." Said cause shall then be at issue and shall have preference over all civil cases pending in said court, except proceedings under the act relating to eminent domain by cities and towns, actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes, except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the supreme court, as in other causes. In case the assessment is confirmed, the fees of clerk of the city or town for copies of the record shall be taxed against appellant with other costs.

SEC. 10. This act shall not be construed as repealing the provisions now existing in any city charter for the mak-

ing of new assessments or re-assessments, but shall be considered as providing a concurrent remedy in such cases. This act a concurrent remedy; not a repeal of existing provisions. And any city whose charter provides for any such new assessment or re-assessment may provide [proceed] either under such charter provisions or under this act.

SEC. 11. That the city council of any city which is composed of two or more cities which have been or may hereafter be consolidated, as provided by law, shall have power to make and pass all necessary ordinances, orders and resolutions for such new assessment or re-assessment, where the improvement for which an alleged assessment has been made by any such former cities prior to the consolidation thereof into one city, and to fully carry out and enforce the provisions of this act.

SEC. 12. Whereas, the assessments for local improvements in the cities of this state have in several instances been set aside and declared void for irregularities, and no adequate law now exists for re-assessments: therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the governor. Emergency.

Approved March 9, 1893.

CHAPTER XCVI.

[H. B. No. 88.]

BONDS TO BE ISSUED FOR INTERNAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to internal improvements in cities, authorizing the issuance and collection of bonds upon the property benefited by local improvements, and declaring an emergency.

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

SECTION 1. That whenever the mayor and council of any city shall, under authority vested in them by any law of this state and the charter of such city, cause any street, avenue or alley in such city to be graded, curbed, guttered, paved, repaired or macadamized, or re-macadamized,