

to the contractor or contractors until the contract or contracts are completed and accepted by said state road commission, and in no event shall more than eighty per cent. be paid upon the work as it progresses.

Camp equip-
ments.

SEC. 14. All instruments, camp equipage, material, tools, horses and supplies now belonging to the state and accounted for by the last state road commission for the Cascade state road shall be turned over to the commissioners appointed by the governor under this act, and all funds in the treasury belonging to the Cascade state road shall be credited to the road fund created under the provisions of this act and be subject to the order of said commissioners appointed under this act.

Repeal.

SEC. 15. All previous acts to provide for a state wagon road known as the Marcus and Marble Mount state wagon road through the Cascade mountains, and making an appropriation therefor, are hereby repealed.

SEC. 16. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 9, 1899.

Passed the House February 28, 1899.

Approved March 14, 1899.

CHAPTER CXXIV.

[S. B. No. 27.]

AUTHORIZING THE ISSUE OF BONDS BY CITIES FOR LOCAL IMPROVEMENTS.

AN ACT authorizing the issuance and sale of bonds by cities, to pay for local improvements, providing for the payment thereof, and declaring an emergency.

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

Bonds for
local im-
provements.

SECTION 1. Whenever any city shall have power and authority vested in it by its charter or by any law of this state to order or cause the whole or any part of

the streets, lanes, alleys, squares or public places of such city to be graded, re-graded, planked, re-planked, graveled, re-graveled, piled, re-piled, paved, re-paved, macadamized, re-macadamized, capped, re-capped, or to order or cause sidewalks, sewers, man-holes, culverts, curbsings, gutters, water mains, or crosswalks to be constructed or to order or cause to be made any local improvements whatever, and to levy and collect assessments upon the property benefited thereby or abutting, adjoining, contiguous or approximate thereto, to defray the whole or any portion of the cost and expense of any such improvement, the proper authorities of such city may, in their discretion, provide for the payment of the cost and expense of such improvement by bonds of the district, which shall include the property liable to assessment for the payment of the cost and expense of such improvement according to the charter of such city, issued to the contractor, or by the proceeds of such bonds to be issued and sold as hereinafter provided.

SEC. 2. Such bonds shall be issued only in pursuance of ordinances of the cities issuing the same, and by their terms shall be made payable on or before a date not to exceed ten years from and after the date of the issue of such bonds, which latter date may be fixed by resolution, by council or other legislative body of said city and shall bear such interest as may be provided in such ordinance, not exceeding eight per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by ordinance, and each bond shall have attached thereto interest coupons for each interest payment. Such bonds shall be in such denominations as shall be provided in the ordinance ordering their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however,* That said coupons may in lieu of being so signed have printed thereon *fac-simile* of the signatures of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the im-

Bonds payable.

Interest.

Denomination.

Coupons.

provement to pay for which the same shall be issued and to the ordinance ordering the same, each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Disposition.

SEC. 3. The bonds issued under the provisions of this act or such portion of such bonds as may remain unsold if same is ordered as hereinafter provided may be issued to the contractor constructing the improvement in payment therefor, or the ordinance directing the issue of such bonds may provide that the same may be sold by some duly authorized officer or officers of the city, in the manner prescribed therein, at not less than their par value and accrued interest, and that the proceeds thereof shall be applied in payment of the cost and expense of the improvement.

Assessments.

SEC. 4. In all cases where any city shall issue bonds as provided in this act to pay the cost and expense of any local improvement, the said cost and expense shall be assessed against the lots and parcels of land, which under the provisions of law and the charter of such city, shall be liable therefor, but the ordinance levying such assessment shall declare that the sum charged thereby against each of such lots and parcels of land may be paid in equal annual installments; the number of which installments shall be equal to the number of years which the bonds issued to pay for the improvement may run, with interest upon the whole sum so charged at a rate fixed by said ordinance, and each year thereafter one of such installments together with the interest due thereon and on all installments thereafter to become due shall be collected in the same manner as shall be provided by law and the charter and ordinances of such city for the collection of assessments for such improvements in cases where no bonds are issued.

Payments.

SEC. 5. The owner of any lot or parcel of land charged

with any such assessments may redeem the same from all liability for the contract price of such improvement by paying the entire assessment charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment, which notice shall be given as follows: The city treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice in the official newspaper of the city for ten consecutive daily or two consecutive weekly issues, that the said roll is in his hands for collection and that any assessment therein may be paid at any time within thirty days from the date of the first publication of said notice without penalty, interest or cost. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. The owner of any such lot or parcel of land may redeem the same from all liability for said assessment at any time after said thirty days by paying the entire installments of said assessment remaining unpaid and charged against such lot or parcel at the time of such payment, with interest thereon to the date of the maturity of the installment next falling due. In all cases where any assessment or any installment thereof is paid as herein provided the same shall be paid to the city treasurer, or to the officer whose duty it is to collect said assessments, and all sums so paid shall be applied solely to the payment of the cost and expense of such improvements or the redemption of the bonds issued therefor.

SEC. 6. If the city shall fail, neglect or refuse to pay said bonds or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon, five per centum, together with the cost of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs and any number of owners of the

Redemption.

Publication
notice.Foreclosure
liens.

property on which the same are a lien may be joined as defendants in such suit.

Payment
interest.

SEC. 7. The city treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective local improvement funds from which they are payable. Whenever there shall be sufficient money in any local improvement fund against which bonds have been issued under the provisions of this act, over and above sufficient for the payment of interest on all unpaid bonds, to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds: *Provided*, That such bonds shall be called in and paid in their numerical order: *Provided further*, That such call shall be made by publication in the city official newspaper on the day following the delinquency of the installment of the assessment or as soon thereafter as practicable, and shall state that bonds No.—(giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on said bonds shall become due, and interest on said bonds shall cease upon such date.

SEC. 8. Nothing herein shall be construed as repealing or modifying any existing law, manner or method for cities of the first class to issue bonds for local improvements, but shall be construed as an additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements, payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner provided in such charter, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

Bonds not a
claim against
city.

SEC. 9. Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this

section shall be plainly written, printed or engraved on each bond so issued.

SEC. 10. Whenever any city has heretofore issued bonds for the purpose of paying the cost and expense of local improvements, or has sold such bonds and paid such cost and expense from the proceeds thereof, such city may, with the consent of the holders of such bonds, exchange for them bonds authorized by this act. Certain bonds may be exchanged.

SEC. 11. Cities may pass general ordinances for the purpose of more effectually carrying this act into effect.

SEC. 12. An emergency exists, and this act shall take effect immediately.

Passed the Senate February 11, 1899.

Passed the House February 25, 1899.

Approved March 14, 1899.

CHAPTER CXXV.

[H. B. No. 147.]

RELATING TO PRIVATE DITCHES AND DRAINS.

AN ACT to provide for laying out and establishing private ditches and drains.

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

SECTION 1. The owner or owners of any land which requires drainage and which is so situated that it is necessary to the proper drainage of the same to construct ditches or drains across the lands of others, may obtain the location and establishment of such ditch or drain across such lands, in the manner provided in this act. Location of ditches.

SEC. 2. The person or persons desiring the location and establishment of such ditch or drain may file in the superior court of the county in which the lands sought to be appropriated are situated, a petition showing the name of the petitioner or petitioners; a description of Petition.