

SEC. 5. All interest paid on such bonds shall be credited to the current common school fund of the state on the day it falls due. Interest on bonds to go to current school fund.

SEC. 6. It shall be the duty of the state treasurer to redeem any of said bonds on any interest pay day whenever, and to the extent that he shall have in his hands money belonging to the state general fund equal to one or more of such bonds in excess of all outstanding general fund warrants. Redemption

SEC. 7. An emergency exists, and this act shall take effect immediately. Emergency.

Passed the House February 14, 1899.

Passed the Senate March 2, 1899.

Approved March 8, 1899.

CHAPTER XLV.

[H. B. No. 272.]

MINING CLAIMS AND RULES OF MINING DISTRICTS.

AN ACT providing for the manner of locating and holding lode and placer mining claims, prescribing authority of mining districts.

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

SECTION 1. The discoverer of a lode shall within ninety (90) days from the date of discovery, record in the office of the auditor of the county in which such lode is found, a notice containing the name or names of the locators, the date of the location, the number of feet in length claimed on each side of the discovery, the general course of the lode and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. Locator to record notice of location.

SEC. 2. Before filing such notice for record, the discoverer shall locate his claim by first sinking a discovery shaft upon the lode, to the depth of ten (10) feet from the lowest part of the rim of such shaft at the Before filing such notice discovery shaft must be sunk 10 feet and boundaries marked.

surface, and shall post at the discovery at the time of discovery a notice containing the name of the lode, the name of the locator or locators, and the date of discovery, and shall mark the surface boundaries of the claim by placing substantial posts or stone monuments bearing the name of the lode and date of location; one post or monument must appear at each corner of such claim; such posts or monuments must be not less than three (3) feet high; if posts are used they shall be not less than four inches in diameter and shall be set in the ground in a substantial manner. If any such claim be located on ground that is covered wholly or in part with brush or trees, such brush shall be cut and trees be marked or blazed along the lines of such claim to indicate the location of such lines.

SEC. 3. Any open cut or tunnel having a length of ten (10) feet, which shall cut a lode at the depth of ten (10) feet below the surface, shall hold such lode the same as if a discovery shaft were sunk thereon, and shall be equivalent thereto.

SEC. 4. The term "lode" as used in this act shall be construed to mean ledge, vein or deposit.

Amended certificate of location.

SEC. 5. If at any time the locator of any quartz or lode mining claim heretofore or hereafter located, or his assigns, shall learn that his original certificate was defective or that the requirements of the law had not been complied with before filing, or shall be desirous of changing his surface boundaries or of taking in any additional ground which is subject to location, or in any case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefits of this act, such locator or his assigns may file an amended certificate of location, subject to the provisions of this act, regarding the making of new locations.

Proof of assessment work.

SEC. 6. Within thirty (30) days after the expiration of the period of time fixed for the performance of annual labor or the making of improvements upon any quartz or lode mining claim or premises, the person in whose behalf such work or improvement was made

or some person for him knowing the facts, shall make and record in the office of the county auditor of the county wherein such claims are situate an affidavit or oath of labor performed on such claim. Such affidavit shall state the exact amount and kind of labor, including the number of feet of shaft, tunnel or open cut made on such claim, or any other kind of improvements allowed by law or by rules of mining districts made thereon.

SEC. 7. Such affidavit when so recorded shall be *prima facie* evidence of the performance of such labor or the making of such improvements, and such original affidavit after it has been recorded, or a certified copy of record of same, shall be received as evidence accordingly by all the courts of this state.

Prima facie
evidence of
assessment
work.

SEC. 8. The relocation of forfeited or abandoned quartz or lode claims shall only be made by sinking a new discovery shaft and fixing new boundaries in the same manner and to the same extent as is required in making a new location, or the relocater may sink the original discovery shaft ten feet deeper than it was at the date of commencement of such relocation, and shall erect new, or make the old monuments the same as originally required; in either case a new location monument shall be erected and the location certificate shall state if the whole or any part of the new location is located as abandoned property.

Relocation,
requirements
for.

SEC. 9. The provision herein, relating to discovery shafts, shall not apply to any mining location west of the summit of the Cascade mountains.

No discovery
shafts west
Cascades.

SEC. 10. The discoverer of placers or other forms of deposit subject to location and appropriation under mining laws applicable to placers shall locate his claim in the following manner:

First. He must immediately post in a conspicuous place at the point of discovery thereon, a notice or certificate of location thereof, containing—(a) the name of the claim; (b) the name of the locator or locators; (c) the date of the discovery and posting of the notice hereinbefore provided for, which shall be considered

Location
placer claims.

Notice to be posted.

as the date of the location; (d) a description of the claim by reference to legal subdivisions of sections, if the location is made in conformity with the public surveys, otherwise, a description with reference to some natural object or permanent monument as will identify the claim; and where such claim is located by legal subdivisions of the public surveys, such location shall, notwithstanding that fact, be marked by the locator upon the ground the same as other locations.

Certificate of location re-
corded.

Second. Within thirty (30) days from the date of such discovery, he must record such notice or certificate of location in the office of the auditor of the county in which such discovery is made, and so distinctly mark his location on the ground that its boundaries may be readily traced.

Work to be done.

Third. Within sixty (60) days from the date of the discovery, the discoverer shall perform labor upon such location or claim in developing the same to an amount which shall be equivalent in the aggregate to at least ten (10) dollars worth of such labor for each twenty acres, or fractional part thereof contained in such location or claim.

Proof of work done.

Fourth. Such locator shall upon the performance of such labor, file with the auditor of the county an affidavit showing such performance and generally the nature and kind of work so done.

Prima facie
evidence work done.

SEC. 11. The affidavit provided for in the last section, and the aforesaid placer notice or certificate of location when filed for record, shall be *prima facie* evidence of the facts therein recited. A copy of such certificate, notice or affidavit certified by the county auditor shall be admitted in evidence in all actions or proceedings with the same effect as the original and the provisions of sections six (6) and seven (7) of this act shall apply to placer claims as well as lode claims.

SEC. 12. All locations of quartz or placer formations or deposits hereafter made shall conform to the requirements of this act in so far as the same are respectively applicable thereto.

SEC. 13. Any mining district organized in the State of Washington in accordance with the laws of the United States, shall have power to make rules and regulations for such mining district, providing such rules and regulations do not conflict with the laws of the State of Washington or of the United States.

Mining district may make rules.

SEC. 14. Any mining district shall have the power to make road building to mining claims within such district applicable as assessment work, or improvement upon such claims: *Provided*, That rules pertaining to such road building shall be made only at a public meeting of the miners of such district regularly called by the mining recorder of such district: *Provided further*, That such meeting shall be attended by at least twelve (12) property holders of such district, and that no such rule can be made without the assent of the majority of the property holders of such district, who are present at such meeting. Such meeting to designate where, when and how such road work shall be done, and shall designate some one of their number who shall superintend such road building or construction, and who shall receipt for such labor to the performer thereof, such receipts to be filed with the county auditor of the county in which such work is performed by the holder or holders of such receipts, and shall be received as *prima facie* evidence of labor performed as annual assessment work upon such claim or claims, as may be designated by an affidavit or oath of labor as provided for in section six (6) of this act: *Provided*, that nothing in this act can be construed as being mandatory upon any owner or holder of mining property to perform labor upon any such road.

Road building to apply on assessment work, when.

Passed the House February 27, 1899.

Passed the Senate March 7, 1899.

Approved March 8, 1899.