

## CHAPTER 67.

[H. B. No. 214.]

PROVIDING FOR THE PAYMENT OF EXPENSES RELATIVE  
TO ESTABLISHMENT OF DRAINAGE DISTRICTS.

AN ACT to provide for the payment of expenses incurred in compliance with an act entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895.

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

SECTION 1. That when any drainage district has been or shall be established and created under the provisions of an act of the legislature of the State of Washington, entitled "An act to provide for the establishment and creation of drainage districts, and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, and when the drainage commissioners of such district have employed surveyors or draughtsmen or legal assistance as provided in section 10 of said act, approved March 20, 1895, and have incurred expenses for the compensation of such surveyors, draughtsmen and legal assistance, and have issued to such surveyors, draughtsmen or persons rendering said legal assistance any warrants, orders, vouchers or other evidence of indebtedness for said expenses so incurred, and when such warrants, orders, vouchers or other evidences of indebtedness remain outstanding and unpaid, and when from any cause no further proceedings are had as provided for in said act approved March 20, 1895, within a reasonable time, it shall be the duty of the county commissioners of the county in which such drainage district is located to assess in accordance with the provisions of this act the lands constituting and embraced within such drainage district for the purpose of paying such outstanding warrants, orders, vouchers, or other evidences of indebtedness, together with interest thereon.

SEC. 2. That the county auditor of any county in which such drainage district is located upon the written request of any holder or owner of any such warrant, order, voucher

Duty of  
Commission-  
ers to levy  
assessment.

County Au-  
ditor to give  
notice to pre-  
sent and reg-  
ister claims.

or other evidence of indebtedness, mentioned in the preceding section, shall forthwith cause to be published in the newspaper doing the county printing, if any such there be, and if not, then in some newspaper of general circulation in the county, a notice directing any and all holders or owners of any such warrants, orders, vouchers, or other evidences of indebtedness, to present the same to him, at his office, for registration within ninety days from the date of the first publication of such notice; and such notice shall be published once a week for six consecutive weeks. Said notice shall be directed to all holders and owners of warrants, orders, vouchers or other evidences of indebtedness issued by the drainage commissioners of the particular district giving its name and number, and shall designate the character of the warrants, orders, vouchers, or other evidences of indebtedness, the registration of which is called for by said notice. Upon the presentation to him of such warrants, orders, vouchers or other evidences of indebtedness, the county auditor shall register the same in a separate [separate] book to be kept for that purpose, showing the date of registration, the date of issue, the purpose of issue when the same is shown upon the face, the name of the person by whom presented, and the face value thereof. Any such warrants, orders, vouchers or other evidences of indebtedness, not presented within the time prescribed in such notice, shall not share in the benefits of this act, and no assessment or re-assessment shall thereafter be made for the purpose of paying the same.

Notice, how published and to whom directed.

Registration of claims.

Forfeiture of benefits upon failure to present claims.

Filing of petition for order of publication.

SEC. 3. That at any time after the expiration of the time within which warrants, orders, vouchers or other evidences of indebtedness, may be registered as provided in the preceding section, the holder or owner of any such registered warrant, order, voucher or other evidence of indebtedness, may for himself and in behalf of all other holders or owners of such registered warrants, orders, vouchers or other evidences of indebtedness, file a petition in the superior court of the county in which such drainage district is located praying for an order directing the publication and posting of the notice hereinafter provided for, and for a hearing upon said petition, and for an order directing the board of county commissioners to assess the lands embraced within said drainage district for the purpose of paying such registered warrants, orders, vouchers or other evidences

of indebtedness and the costs of the proceedings provided for in this act. Said petition shall set fourth [forth] : Petition—  
what to  
show.

1. That said drainage district was duly established and created, giving the time.

2. The facts in connection with the expenses incurred by the drainage commissioners in the employment of surveyors, draughtsmen, or legal assistance and the issuance of such registered warrants, orders, vouchers or other evidences of indebtedness.

3. The facts in connection with the compliance with the provisions of this act.

4. A list of such registered warrants, orders, vouchers or other evidences of indebtedness showing the names of owners or holders, the amounts, the date of issuance, the purpose for which issued, when shown upon the face thereof, and the date of presentation for payment, respectively.

SEC. 4. That upon the filing of such petition it shall be the duty of the judge of the said Superior Court to fix a time for a hearing of said petition, which time shall be not less than sixty days from the time of the filing of said petition, and to enter an order directed to the sheriff of the said county ordering said sheriff to cause to be published and posted the notice as provided for in the next succeeding section. Hearing.

SEC. 5. That upon the issuance of the order as provided for in the next preceding section it shall be the duty of the sheriff of said county to post, at the court house of said county and at three public places in said drainage district, and to cause to be published in a newspaper of general circulation in said county a notice of the time and place fixed by said order of court for the hearing of said petition. Said notice shall contain a statement that said petition has been filed as above provided for, that the said court has fixed a time and place for the hearing of said petition, which time and place shall be stated in said notice, a brief statement of the object of said proceeding upon said petition, a statement of the issuance of the said order of court directing the posting and publishing of said notice, a statement that all persons having any interest in any land in such drainage district, describing the same by its corporate name, may at or before the time fixed for said hearing appear and file objections or exceptions to the granting of the prayer of said petition: A statement that upon the hearing of said Sheriff to  
post notice.  
  
What notice  
shall contain.  
  
Entering of  
statement.

petition in case no objections or exceptions have been filed in said proceeding, or in case any objections or exceptions filed be not sustained, and that the allegations of said petition are proven to the satisfaction of the court an order will be entered in accordance with the prayer of said petition. That said notice shall be signed by the sheriff of said county.

Sheriff to sign order.

Procedure.

SEC. 6. That at the time and place fixed in said order for the hearing of said petition, or at such time to which the court may continue said hearing, the court shall proceed to a hearing upon said petition and upon any objections or exceptions which have been filed thereto. And upon it appearing to the satisfaction of the court from the proofs offered in support thereof that the allegations of said petition are true, the said court shall ascertain the total amount of said registered warrants, orders, vouchers or other evidences of indebtedness with the accrued interest and the costs of said proceedings, and thereupon the said court shall enter an order directing the board of county commissioners to levy a tax upon all the real estate within said drainage district exclusive of improvements, taking as a basis the last equalized assessment of said real estate for state and county purposes, sufficient to pay said outstanding registered warrants, orders, vouchers or other evidences of indebtedness with interest as aforesaid and the costs of said proceeding, and the cost of levying said tax, and further directing the county auditor to issue a warrant on the county treasurer to the petitioner for the costs advanced by him in such proceeding, which shall be paid in the same manner as the said registered warrants, orders, vouchers or other evidences of indebtedness.

Levy of tax to cover outstanding claims.

Clerk of Court to certify to Commissioners.

SEC. 7. That the clerk of said Superior Court shall certify the said order to the board of county commissioners, and to the county auditor and upon receipt of said order by said board it shall proceed forthwith to execute said order, and upon said levy being made it shall be extended upon the tax rolls, certified and collected at the same time, in the same manner as other special district taxes.

Order of Court.

SEC. 8. That if upon said hearing the court shall find that the petitioner is not entitled to an order granting the prayer of said petition the court shall enter an order dismissing said petition and taxing the costs against said petitioner.

SEC. 9. That from any final order entered by the said Superior Court as above provided for, any party to said proceeding feeling himself aggrieved thereby may take an appeal to the Supreme Court of the State of Washington, as provided by the general appeal law of this State.

Passed the House February 24, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

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## CHAPTER 68.

[H. B. No. 97.]

### AMENDING BALLINGER'S CODE RELATIVE TO ISSUANCE AND SERVICE OF WRIT OF GARNISHMENT.

AN ACT to amend sections 5396 and 5397 of Ballinger's Annotated Codes and Statutes of Washington, relating to the issuance and service of the writ of garnishment.

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

SECTION 1. That section 5396 of Ballinger's Annotated Codes and Statutes of Washington, being section 549 of Pierce's code, be and the same hereby is amended to read as follows: The writ of garnishment shall be dated and tested [attested] in like manner as the writ of attachment and the name and office address of the plaintiff's attorney shall be indorsed thereon or in case the plaintiff has no attorney, then the name and address of the plaintiff shall be indorsed thereon and delivered by the clerk who issues it to the plaintiff or his attorney.

Sec. 5396 Ballinger's Code, Sec. 549 Pierce's Code.

Attestation, etc.

SEC. 2. That section 5397 of Ballinger's Annotated Codes and Statutes of Washington, being section 550 of Pierce's code, be and the same hereby is amended to read as follows: The writ of garnishment may be served by the sheriff or any constable of the county in which the garnishee lives or it may be served by any citizen of the State of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served. And in case such writ is served by an officer, such officer shall make his

Sec. 5397 Ballinger's Code, Sec. 550 Pierce's Code.

Service of writ—by whom.