

Section 1406. The said package shall be delivered to the county auditor by one of the judges or clerks of the election in person, or may be sent by registered mail; and when the voting precinct is more than fifteen (15) miles from the county seat the said package shall be forthwith transmitted to the county auditor by registered mail. When sent by mail, it shall be mailed by one of the judges. The other of said certificates, with poll list and tally papers, oaths of judges, inspector and clerks shall be retained by the inspector and preserved by him at least six months. Tally papers, poll list or certificate returned from any election shall not be set aside, nor rejected for want of form, nor on account of not being strictly in accordance with the directions of this chapter, if the same be satisfactorily understood: *Provided*, That if any judge or inspector of election shall neglect or fail to seal and return the ballots, tally list and poll books in the manner provided by law, such judge or inspector shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifteen dollars.

Transmission
by registered
mail.

Inspector to
retain lists,
etc.

Violation and
penalty.

Passed the House February 27, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.

CHAPTER 86.

[H. SUB. B. No. 191.]

FIXING THE PENALTY FOR PERSONS CONVICTED A SECOND AND THIRD TIME OF FELONY.

AN ACT fixing the penalty for persons convicted a second and third time of felony and providing a mode of procedure in such cases.

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

SECTION 1. It shall be the duty of the prosecuting attorney of any county, as soon as he has knowledge that a person indicted or informed against for felony, has been once or twice before convicted of any crime which under

Duty of Prosecuting
Attorney.

the laws of this State would amount to a felony, either within this State or elsewhere, to file and serve upon such person another information, setting fourth [forth] the fact of such former conviction or convictions, with the time and place when and where such former convictions occurred.

SEC. 2. If the defendant pleads guilty to the principal charge, or, if after trial, he shall be found guilty of such principal charge by a jury, unless the defendant admit the fact of such former conviction or convictions, the court shall immediately, if such further information was served before the trial upon the principal charge, or if served after the commencement of the trial then within five days and before sentence, impanel a jury to try the fact of such former conviction or convictions, and if such jury find, from the record thereof, or other competent evidence that such person has been once or twice before convicted of a crime, which under the laws of this State would amount to a felony, such jury shall make a return of such fact to the court. In case that such jury find that such person has been but once before convicted of a felony, the return shall show the time of his sentence under such former conviction.

Trial of fact
of former
convictions.

Findings of
jury.

SEC. 3. In every case where a person is convicted of a felony and the jury impaneled for that purpose, in the manner provided in section 2 of this act, find that the person has been once before convicted of a crime, either in this State or elsewhere, which under the laws of this State would amount to felony, or if such person admit the fact of such former conviction in open court, he shall be sentenced to a term in the penitentiary of not less than double the time of the sentence upon the former conviction; and in case that such jury find or the said person admits in open court that he has been twice before convicted of crimes, either within or without this State, which under the laws of this State would amount to felony, he shall be sentenced to the penitentiary for the term of his natural life.

Term of
sentence.

Duty of Prosecuting
Attorney in cases
of offense of
petit larceny.

SEC. 4. It shall be the duty of the prosecuting attorney of any county, as soon as he has knowledge that a person charged with the offense of petit larceny has been once or twice before convicted of the offense of petit larceny or of any crime which under the laws of this State would amount to a felony, either within this State or elsewhere, to file in the Superior Court an information charging said

person with petit larceny and another information charging said person with having been before convicted of petit larceny or a crime amounting to a felony, and serve copies of such informations upon such person, and, if such person has been charged with said offense of petit larceny before any magistrate, upon said magistrate; and thereupon such magistrate shall certify all proceedings in the case to the Superior Court; and such proceedings shall be had as provided in section 2 of this act. In case upon the trial and proceedings had in the Superior Court the defendant shall be found guilty of petit larceny and the jury impaneled for that purpose shall fail to find the fact of such former conviction the court shall sentence the defendant as in other cases of petit larceny; in case the jury impaneled for that purpose shall find the fact of such former conviction the court shall sentence the defendant to the penitentiary for any term provided by law as the punishment for the crime of grand larceny.

Information
to be filed
and served.

Sentence, if
jury fail to
find fact of
former con-
viction.

Passed the House February 27, 1903.

Passed the Senate March 10, 1903.

Approved by the Governor March 14, 1903.