

proceed to collect the tax, together with interest, at the rate of fifteen per centum per annum, by suit instituted by the Attorney General, whose duty it shall be, upon request of the State Treasurer, or upon request of the State Board of Tax Commissioners, to prosecute any and all proceedings for the collection of such tax.

Emergency. SEC. 9. An emergency exists and this act shall take effect April 1, 1907.

Passed the House February 2nd, 1907.

Passed the Senate February 11th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 37.

[S. B. 46.]

STATE DEPOSITARIES.

AN ACT to provide for state depositaries and regulate the deposits of state moneys therein.

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

State
depository
defined.

SECTION 1. Any national or state banking corporation which shall be approved by the State Board of Finance, may, upon filing a bond, or depositing the security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository; and no state funds shall be deposited in any institution other than a state depository. The record of the proceedings of said board shall be kept by the State Auditor, and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceeding in any court of this state.

Bond of
depository.

SEC. 2. Every state depository, before it shall be entitled to receive any state moneys, shall file with the State Treasurer a good and sufficient bond to the State of Washington, or shall deposit with the State Treasurer good and sufficient municipal, county, state, or United States bonds, or in lieu thereof a bond of a surety company authorized

to do business in this state, to be approved by said Board as security and pledge for the payment upon demand to him or his order, free of exchange, at any place in this state designated by him, of all such moneys deposited with it, and of interest thereon at the rate fixed by said Board; which bonds shall be at least equal to the amount of the moneys to be received by said depository of said state, and shall, before such deposit, be approved by said Board. The State Board of Finance may require the State Auditor or State Bank Examiner to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a state depository, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which may have been designated as such depository, the expense of such investigation to be borne by the depository examined.

Investigation of applicant.

SEC. 3. The State Board of Finance shall from time to time fix the rate of interest to be paid by said depositories upon said moneys deposited with them, and cause notice thereof to be published in such newspapers as the Board may direct. The rate of interest, until changed by said Board, shall be not less than two per cent. per annum.

Rate of interest.

SEC. 4. The State Treasurer may deposit with any depository which has fully complied with all requirements of law any state moneys in his hands or under his official control not exceeding the limit herein prescribed, and any sum so on deposit shall be deemed to be in the State Treasury, and such Treasurer shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks. The amount at any time on deposit with any depository shall not exceed the actual paid up capital and surplus, nor the penalty of the bond filed by it, nor three-fourths of the value of the bonds deposited by it, nor the amount prescribed by the State Board of Finance, if any be prescribed.

Funds on deposit deemed to be in treasury.

Limit of deposits.

SEC. 5. The State Board of Finance shall not approve the municipal, county, state or United States bonds, or in lieu thereof the bond of a surety company of any such de-

Depositories
to be
financially
sound.

pository until fully satisfied that said bond or bonds are good and sufficient, and that the depository is prosperous and financially sound and has unimpaired the paid up capital claimed by it and surplus. Said Board may at any time require any state depository to furnish a new or additional bond or bonds, and upon failure so to do may after fifteen (15) days notice to said depository revoke their designation and approval thereof, and immediately upon such revocation such corporation shall cease to be a state depository.

Statements.

SEC. 6. Every state depository shall, on the 1st day of each calendar month, and oftener when required, file with the State Auditor a sworn statement of the amount of state moneys on deposit with it, and shall, within ten days after the first day of January, April, July and October in each year make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, to the State Board of Finance, which interest shall thereupon be remitted to the State Treasurer and placed to the credit of the general fund and deposit interest funds; such statement shall be upon such forms as may be prescribed by the State Board of Finance and be accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither said depository nor any officer, agent or employe thereof, nor any person in its behalf has in any way whatsoever given, paid, or rendered, or promised to give, pay or render to any member of the State Board of Finance, or to any other person, or corporation whatever any money, credit, service or benefit whatsoever by reason or in consideration of a deposit with it of any portion of the state moneys. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury. The total interest paid by all depositories shall be by the State Treasurer placed to the credit of the deposit interest fund, and upon the fifteenth (15) day of January of each year, the State Treasurer shall divide the deposit interest fund among the

False
statement
perjury.

various funds from which such deposits are made, in proportion to the respective amounts thereof.

SEC. 7. The word "bank" as used in this act shall be construed to include any trust company organized under the laws of the State of Washington engaged in the banking business. Trust
company.

Passed the Senate February 4th, 1907.

Passed the House February 14th, 1907.

Approved by the Governor February 21st, 1907.

CHAPTER 38.

[H. B. 73.]

DISPOSAL OF MINING CLAIMS BY COUNTIES.

AN ACT authorizing counties which have acquired or which may hereafter acquire mining claims or properties for taxes to lease the same with or without an option to purchase, declaring an emergency.

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

SECTION 1. The commissioners of any of the counties of the State of Washington which have acquired, or which may hereafter acquire, mining claims or properties through the nonpayment of taxes may, when they deem it most advantageous for the county, lease, to the highest and best bidder at public auction with or without an option to purchase, said mining claims or properties or any part thereof, instead of selling the same at public sale: *Provided*, Said lease shall require the payment of royalties on all ore or minerals taken from said mineral claims or properties in such amount and upon such terms and conditions as said commissioners shall deem for the best interest of said county. At least thirty days notice of the time and place where said lands will be offered for lease shall be given by the commissioners by two publications in some weekly newspaper published in the county where such lands are situated. Lease of
mining
claims.

Notice by
publication.