

## CHAPTER 206.

[S. B. 243.]

## REQUIRING JUDGES TO WEAR GOWNS.

AN ACT requiring judges of the supreme court and superior courts to wear gowns while sitting in the hearing of causes.

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

Gowns to be worn in open court.

SECTION 1. That each of the judges of the supreme court and the judges of the superior courts shall in open court during the presentation of causes, before them, appear in and wear gowns, made of black silk, of the usual style of judicial gowns.

Passed by the Senate February 24, 1909.

Passed by the House March 9, 1909.

Approved March 18, 1909.

## CHAPTER 207.

[S. B. 233.]

## REQUIRING SECURITY FOR LABORERS AND MATERIAL MEN ON PUBLIC WORKS.

AN ACT requiring bonds from contractors contracting to do public work, conditioned to pay laborers, mechanics, material men and others.

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

SECTION 1. Whenever any board, council, commission, trustees or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond with two or more sureties, or with a surety company

Bond to cover lienable claims.

as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics and sub-contractors and material men, and all persons who shall supply such person or persons, or sub-contractors, with provisions and supplies for the carrying on of such work, all just debts, dues and demands incurred in the performance of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, except in cases of cities and towns, in which cases such bond shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any sub-contractor shall have the same right under the provision of such bond as if such work, services or material was furnished to the original contractor.

Bond to be filed.

SEC. 2. If any board of county commissioners of any county, or mayor and common council of any incorporated city or town, or tribunal transacting the business of any municipal corporation shall fail to take such bond as herein required, such county, incorporated city or town, or other municipal corporation, shall be liable to the persons mentioned in the first section of this act, to the full extent and for the full amount of all such debts so contracted by such contractor.

Municipality liable, when.

SEC. 3. The bond mentioned in section 1 of this act shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the State of Washington, except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: *Provided*, The same shall not be for a less amount than twenty-five per cent. (25%) of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the State of Washington, and all such persons mentioned in said section 1 of this act shall have a right of action in his, her, or their own name or names on such bond, for the full amount of all debts

Bond payable to whom.

Actions on.

against such contractor, or for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: *Provided*, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty (30) days from and after the completion of the contract with and acceptance of the work by the board, council, commission, trustees, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or sub-contractor, or material man, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

Notice of claim.

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Form of notice.

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or sub-contractor, or material man, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of.....dollars (here insert the amount) against the bond taken from .....(here insert the name of the principal and surety or sureties upon such bond) for the work of .....(here insert a brief mention or description of the work concerning which said bond was taken).

(Here to be signed).....

Such notice shall be signed by the person or corporation making the claim or giving the notice; and said notice after being presented and filed shall be a public record open to inspection by any person: *Provided further*, That any city may avail itself of the provisions of this act, notwithstanding any charter provisions in conflict herewith: *And provided further*, That any city or

Record of notice.

town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby.

Passed by the Senate February 19, 1909.

Passed by the House March 5, 1909.

Approved March 18, 1909.

## CHAPTER 208.

[S. B. 38.]

### RELATING TO THE PUBLIC HEALTH.

AN ACT creating the office of State Commissioner of Health, fixing his qualification, term of office and compensation and defining his duties, and declaring an emergency.

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

SECTION 1. That within thirty days after this act takes effect the State Board of Health shall elect a State Commissioner of Health, who may or may not be a member of the State Board of Health; who shall be a physician and who shall be learned in sanitary science and experienced in public health administration. He shall hold his office for five years and until his successor is elected and qualified, but may be removed by the State Board of Health for incompetency, malfeasance or corruption proven by evidence given under oath before the board and for this purpose the board shall have power to administer oaths and take testimony. He shall receive a salary of three thousand six hundred dollars per year and his expenses actually incurred in the performance of his duties, to be paid monthly in the same manner as the salary and expenses of other state officers, upon vouchers signed by the President of the State Board of Health.

Commissioner of health.

Term of office.

Salary.

SEC. 2. That the State Commissioner of Health shall be State Registrar of Vital Statistics and Secretary of the State Board of Health and executive officer of said

Shall keep vital statistics.