

SESSION LAWS
OF THE
STATE OF WASHINGTON
FIFTEENTH SESSION

Convened January 8; Adjourned March 8

1917

Compiled in Chapters With Marginal Notes

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PUBLISHED BY AUTHORITY

OLYMPIA
FRANK M. LAMBORN  PUBLIC PRINTER
1917

EXPLANATORY.

The Fifteenth Legislature convened on January 8, 1917, at 12 o'clock noon (being the second Monday in January), and adjourned *sine die* on March 8, 1917.

All laws passed by said session, approved by the Governor, together with those which became laws without his approval, take effect ninety days after adjournment, or 12 o'clock, midnight, June 6, 1917, except relief bills, appropriations and other acts declaring an emergency.

I. M. HOWELL,
Secretary of State.

STATUTES OF WASHINGTON
1917

PASSED BY THE
FIFTEENTH SESSION
OF THE
LEGISLATURE

CONVENED JANUARY 8, 1917
ADJOURNED MARCH 8, 1917

LAWS OF WASHINGTON

PASSED AT THE

Fifteenth Regular Session

1917

CHAPTER 1.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary for the expenses of the fifteenth legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred thousand dollars, (\$100,000.00) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the fifteenth legislature of the State of Washington. Appropriation, \$100,000.

SEC. 2. This act is necessary for the support of state government and shall take effect immediately. Emergency.

Passed the Senate January 8, 1917.

Passed the House January 8, 1917.

Approved by the Governor January 9, 1917.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of fifteen thousand dollars (\$15,000.00) or so much thereof as may be necessary for the printing of the fifteenth legislature, and declaring an emergency.

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

SECTION 1. That there be, and there is hereby appropriated out of the general fund the sum of fifteen thousand Appropriation, \$15,000.

dollars (\$15,000.00) or so much thereof as may be necessary to pay for such printing as may be ordered by the fifteenth legislature, or either branch thereof.

SEC. 2. This act is necessary for the support of the state government and shall take effect immediately.

Passed the Senate January 8, 1917.

Passed the House January 8, 1917.

Approved by the Governor January 9, 1917.

CHAPTER 3.

[H. B. 85.]

IMPOSING INDEBTEDNESS ON PIERCE COUNTY FOR UNITED STATES ARMY POST.

AN ACT imposing upon Pierce county, as an arm and agency of the state, an indebtedness not exceeding two million dollars, exclusive of interest, requiring such county to issue its negotiable bonds therefor, levy taxes to pay the same with interest, acquire by condemnation or otherwise, approximately seventy thousand acres of land in such county, and donate and convey the same to the United States for a permanent mobilization, training and supply station for any or all such military purposes, including supply stations, the mobilization, disciplining and training of the United States army, state militia, and other military organizations, as are now or may be hereafter authorized or provided by or under federal law; conferring on such county the power of eminent domain for the purposes of this act; and providing procedure therefor; granting the consent of the state to such conveyance and ceding exclusive legislative jurisdiction to the United States over the lands so conveyed; declaring the existence of an exigency requiring the state and its governmental agencies to aid the federal government and declaring an emergency.

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

SECTION 1. WHEREAS, In the judgment of the legislature of the State of Washington, an exigency has arisen demanding the exercise of the sovereign power of the state to aid in repelling invasion, suppressing insurrection and defending the state in war, and

WHEREAS, It is the duty of the state and its governmental agencies to aid the national government to the full extent of their means and ability; and whereas, the success or defeat of the national government is equally the success or defeat of the state, and

WHEREAS, By the express mandate of article X of the state constitution, it is made the duty of the legislature to provide by law for organizing and disciplining the militia in such manner as it may deem expedient not incompatible with the constitution and laws of the United States, and

WHEREAS, By acts of congress, including those approved June 3rd, 1916, and August 29th, 1916, and regulations of the war department, disciplining by the federal government of the state militia (national guard) and other federal, state and local military organizations, at mobilization, training and supply stations is, among other things provided, which method of disciplining the militia and other military organizations is, in the judgment of the legislature, deemed expedient and proper and not incompatible with the constitution and laws of the United States or existing laws of this state, and

WHEREAS, The secretary of war, with the approval of the President of the United States, deeming it expedient, has agreed on behalf of the federal government, to establish in Pierce county, Washington, a permanent mobilization, training and supply station, for any or all such military purposes as are now or may be hereafter authorized or provided by or under federal law, on condition that land in Pierce county aggregating approximately seventy thousand acres, at such location or locations as have been or may be hereafter, from time to time selected or approved by the secretary of war, be conveyed to the United States, with the consent of the State of Washington, free of cost to the United States, and

WHEREAS, In the judgment of the legislature, the location of such permanent mobilization, training and supply station within the limits of Pierce county, Wash-

ington, will aid and be of public benefit and advantage to the nation and state in repelling invasion, suppressing insurrection, defending the nation and state in war, and disciplining the militia, in which general public benefit and advantage Pierce county will also proportionately share, but in addition to its general benefit, it will also enjoy additional and special benefits, with other local benefits and advantages not accruing to the nation and other counties in the state, to an extent exceeding the cost of acquiring by condemnation, or otherwise, the site selected or to be selected as aforesaid, aggregating approximately seventy thousand acres of land, and

WHEREAS, In the judgment of the legislature, the site aforesaid can be acquired for not exceeding two million dollars, and

WHEREAS, At a special election held in Pierce county on the 6th day of January, 1917, the voters of such county, by a more than three-fifths majority of those voting at said election, attempted to authorize the incurrence of an indebtedness of two million dollars, with interest, with which to acquire approximately seventy thousand acres of land in said county, and attempted to authorize such county to convey the same to the United States to be used as a permanent mobilization, training and supply station, for which attempted exercise of authority it is doubtful whether there was then in existence any law authorizing it, but the fulfilment of which purpose by Pierce county should, in the judgment of the legislature, be required by the state.

SEC. 2. That there is hereby imposed upon the county of Pierce, in the State of Washington, an indebtedness not exceeding, exclusive of interest, two million dollars, and the county commissioners of such county, acting as an arm and agency of the state, are hereby directed to incur an indebtedness not exceeding, exclusive of interest, two million dollars, with which such county, as an arm and agency of the state, is hereby required to acquire by condemnation or otherwise, land in Pierce county,

Imposing
indebtedness
on Pierce
county for
army post.

Washington, aggregating approximately seventy thousand acres, at such location or locations as may have been or may be hereafter from time to time selected or approved by the secretary of war (of the due making of which selection the determination of the county commissioners of such county shall be conclusive) and convey all of such lands to the United States to be used by the United States for any or all such military purposes, including supply stations, the mobilization, disciplining and training of the United States army, state militia, and other military organizations, as are now or may be hereafter authorized or provided by or under federal law, said indebtedness to be evidenced by negotiable bonds of Pierce county, payable in not more than twenty years, with interest not exceeding five per centum per annum payable annually.

SEC. 3. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate not to exceed five per centum per annum payable annually with coupons attached for each interest payment. The bonds shall be signed by the chairman of the board of county commissioners and be attested by the clerk of such board, and the seal of such board shall be affixed to each bond. The coupons shall bear the lithographed signature of the chairman and clerk of the board, but need not be impressed with the seal. Such bonds shall be printed, engraved or lithographed on good bond paper, and the bond shall state on its face that it is issued in compliance with the laws of the State of Washington. Such bonds shall be payable in any city containing a bank organized under the laws of the United States, and may be sold by the county commissioners at not less than their par value, and their proceeds shall be applied only to the purposes for which such bonds were issued. Bond issue.

Tax for
liquidating
bonds.

SEC. 4. The county commissioners of Pierce county, as an arm and agency of the state, are hereby required to levy annually a tax sufficient to pay and retire the interest coupons of such bonds as they become due, and ten years before such bonds shall become due the county commissioners of Pierce county, as an arm and agency of the state, are hereby required annually to levy a tax sufficient to liquidate such bonds at maturity. Such taxes shall be levied and collected as general county taxes are levied and collected, but the proceeds of such taxes shall be kept in a separate fund for the sole purpose of liquidating such bonds and interest coupons in accordance with the provisions of the following sections.

Calling
bonds for
payment.

SEC. 5. It shall be the duty of the treasurer of Pierce county, whenever he has on hand in such fund, two thousand dollars exclusive of interest requirements, to advertise for three consecutive issues in the newspaper then doing the county printing, for the presentation to him for payment of as many of such bonds as he may be able to pay with the funds in his hands, to be paid in numerical order of such bonds, beginning with bond numbered one, until all of such bonds are paid: *Provided*, That thirty days after the first publication of such notice of the treasurer calling in any of such bonds by their number, such bonds shall cease to bear interest, which shall be stated in the notice.

Cessation of
interest.

Interest on
unpaid
coupons.

SEC. 6. When any coupon is, by its terms, payable and is presented to the place where, by its terms, it is payable and is not paid for want of funds it may be then presented to the treasurer of Pierce county, and it shall be his duty to endorse the same as presented in the same manner as county warrants are endorsed, and thereafter such coupon shall bear interest at the rate of six per centum per annum until paid, or interest is stopped after call for payment as county warrants are called for payment. The money in such fund shall be first applied to the payment of accrued interest.

SEC. 7. Before such bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the "bond register," in which register he shall enter the number of each bond, the date of its issue, maturity, amount, rate of interest, when and where payable, and shall endorse on each bond a certificate that it has been registered as required by law.

Bond registration.

SEC. 8. The right of eminent domain is hereby extended to Pierce county as the agent of the state for every purpose of condemnation, appropriation or disposition intended by this act, and such county is hereby authorized and empowered, as such state agent, to condemn and appropriate all lands and rights whatsoever whether now or hereafter devoted to other public use, including lands belonging to the state or any of its governmental agencies or public corporations, held either in its or their proprietary capacity, and whether already segregated from the public domain and appropriated to other public use or not, all under the procedure hereinafter provided: *Provided*, That it shall be discretionary with Pierce county, as petitioner, to join as respondents all parties in one proceeding or in one or more proceedings as may be determined by its board of county commissioners or attorney for the county, and where the state is a party respondent it may be joined with the other respondents or proceeded against separately, all in the superior court of Pierce county: *And provided further*, That the determination of the commissioners of such county that the secretary of war has selected the lands described in the petition or petitions shall be conclusive that public necessity requires their condemnation and appropriation for such military site.

Power of eminent domain conferred on Pierce county.

Joinder of parties defendant.

Public necessity, determination of.

SEC. 9. In proceeding to appropriate the land, real estate and premises herein provided for, Pierce county, through its board of county commissioners, shall present to the superior court of said county or to the judge of such superior court, a petition in which the land, real estate, premises or other property sought to be appropri-

Petition for condemnation

ated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer or other person or party interested in the same or in possession thereof, or any part thereof, so far as the same can be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money, irrespective of any benefit from such improvement, to such owner or owners, respectively, and to all tenants, encumbrancers and others interested, for the taking or injuriously affecting such lands, real estate, premises or other property, or in case a jury be waived, as in other civil cases in courts of record in the manner prescribed by law, then that the compensation to be made, as aforesaid, be ascertained and determined by the court or judge thereof.

Service
of notice.

SEC. 10. A notice, stating briefly the objects of the petition, and containing a description of the land, real estate, premises, or property sought to be appropriated, and stating the time and place when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, encumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode with some person of suitable age and discretion then resident therein; or in case of a foreign corporation, or nonresident joint stock company or association doing business within this state, to any agent, cashier, secretary or employe thereof. In case of domestic corporations, such service may be made upon the president, secretary, managing agent, director or trustee of such corporation, and in the event the name and residence of any such officer

can not be ascertained, which fact may be shown by the affidavit of the attorney for the county, such service may be made upon the secretary of state and such service shall be deemed a good and sufficient service upon such corporation. In case of minors on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor. In case of idiots, lunatics or persons laboring under legal disability, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. The court shall appoint a guardian *ad litem* for such infant, insane person or person under disability, to appear and defend for him, her or them, and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane person or person under disability, in the particular property that is to be taken or damaged, or the compensation which shall be awarded therefor. In case the land, real estate, premises or other property sought to be appropriated is property of a city, town, school district or other municipal or public corporation, the said notice shall be served on the clerk of said city, town, school district, municipal or public corporation, and if there is no such clerk, then upon the officer performing the duties pertaining to such clerk. In all cases when the owner or party claiming an interest in such real or other property is a nonresident of this state, or where the residence of such owner or party is unknown, and an affidavit of the attorney for the county shall be filed stating that he believes such owner or party is a nonresident of this state, or that, after diligent inquiry, the residence of such owner or party is unknown, or cannot be ascertained by such affiant, service may be made by publication thereof in the official newspaper of the county, once a week for two successive weeks; in case the owners or claimants to any property described in the petition are unknown, it shall be sufficient to designate them as "all other persons unknown claiming any right, title, lien or interest in or to the prop-

erty described herein," and service may be made on such owners or claimants as upon nonresidents; such publication shall be deemed service upon each of such owners or claimants unknown or whose residence is unknown. Such notice shall be signed by the attorney for the county. Such notice may be served by any competent person over twenty-one years of age. Due proof of service of such notice, by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. All persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not herein provided for, service of notices, orders, and other papers in the proceedings authorized by this act may be made as the superior court, or the judge thereof may direct, or as may be provided by law for service of summons and process in civil actions.

Service
when state
owns lands.

SEC. 11. In all condemnation proceedings brought for the purpose of appropriating any land owned by the state or in which it has an interest, service of notice shall be made upon the commissioner of public lands.

Adjournment
of pro-
ceedings.

SEC. 12. The court or judge may, upon application of the petitioner or of any owner or party interested, for reasonable cause, adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

Jury to be
impaneled.

SEC. 13. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition, have been duly served with notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, the court or judge thereof may make an order impaneling a jury. Such jury may be the same jury sum-

moned for the trial of ordinary civil actions before the court or the court may, in its discretion, issue a venire to the sheriff to summon as jurors such number of qualified persons as the court shall deem sufficient.

SEC. 14. A judge of the superior court shall preside at the trial, which shall be held at such time as the court, or the judge thereof, may direct, at the court house in Pierce county, and the jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation, or company, or to the state, or to any municipal or public corporation or other party, by reason of the appropriation and use of such land, real estate, premises, or other property by such county, as aforesaid, and shall ascertain, determine, and award the amount of damages to be paid to said owner or owners respectively, and to all tenants, encumbrancers, and others interested, for the taking or injuriously affecting such land, real estate, premises, or other property, irrespective of any benefit from any improvement proposed by such county. Upon the trial, witnesses may be examined in behalf of either party to the proceedings, as in civil actions. Judgment shall be entered by the court, and not by the clerk, for the amount of the damages awarded to such owner or owners respectively, and to all tenants, encumbrancers, and others interested, for the taking or injuriously affecting such land, real estate, premises, or other property. In case a jury is waived as in other civil actions in courts of record in the manner prescribed by law, the compensation to be paid for the property sought to be appropriated shall be ascertained and determined by the court, or the judge thereof, and the proceedings shall be the same as in trials of an issue of fact by the court. No judgment shall be final until signed by the court and filed with the clerk.

SEC. 15. Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemna-

Trial.

Assessment
of damages.Judgment,
entry of.Effect of
judgment.

Appeals.

tion of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be taxed as in other civil cases: *Provided*, That in case any respondent recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive unless appealed from, and no appeal from the same shall delay the proceedings, nor deprive the county of the right to possession of the property condemned, if such county shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such county, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court of the state by any party to the proceedings the money so paid into the superior court shall remain in the custody of said superior court until the final determination of the proceedings. If any party entitled to appeal accepts the sum awarded by the jury or the court, he shall be deemed thereby to have waived an appeal to the supreme court.

Vesting of title.

SEC. 16. The court, upon proof that just compensation so found by the jury, or by the court in case the jury is waived, together with costs, has been paid to the person entitled thereto, or has been paid into court, shall enter an order that Pierce county shall have the right at any time thereafter to take immediate possession of or damage the property in respect to which such compensation shall have been so paid, and thereupon the legal title to any property so taken shall be vested in fee simple in Pierce county and a certified copy of such judgment or decree of appropriation and order shall be filed for record in the office of the county auditor of

Pierce county and shall be recorded by said auditor like a deed to real estate and with like effect. If the title to said land, real estate, premises, or other property attempted to be acquired is found to be defective from any cause, Pierce county shall again institute proceedings to acquire the same as in this act provided.

SEC. 17. At any time within six months from the date of rendition of the last judgment awarding compensation in the superior court for land taken or damaged, selected by the secretary of war, as provided in this act, or if any appeal be taken, then within two months after the final determination of the appeal in the supreme court, such county may dismiss the proceedings as to any tract or parcel of land described in any petition or petitions filed in accordance with this act, by resolution of its board of county commissioners before making payment, by paying or depositing in court all taxable costs incurred by any parties interested in the particular tract or tracts up to the time of discontinuance.

Dismissal of proceedings as to any tract.

SEC. 18. Whenever claim is made to any money paid into court, as provided in this act, the claimant may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he or it is entitled to the same, the court shall make an order directing payment to such claimant of the portion of such money he or it shall be found entitled to, after first deducting the amount found to be due against the particular tract of land for all taxes and assessments as shown by the records in the office of the county treasurer and county assessor; but if, upon application, the court, or judge thereof, shall decide that there are conflicting claims to the award, he may proceed to hear and determine the same.

Payment of claimants of awards.

SEC. 19. Except as herein otherwise provided, the practice and procedure under this act in the superior court and in relation to the taking of appeals and the prosecution thereof, shall be the same as in other civil actions, but all appeals must be taken within thirty days from the date of filing the judgment appealed from: *Pro-*

Practice and procedure.

Appeals, time for taking.

vided, That in case of appeal no bond shall be required of the county.

State consent to donation of lands to federal government.

SEC. 20. Pursuant to the constitution and laws of the United States, and especially to paragraph seventeen of section eight of article one of such constitution, the consent of the legislature of the State of Washington is hereby given to the United States to acquire, by donation from Pierce county, title to all lands herein intended to be referred to, to be evidenced by the deed or deeds of Pierce county signed by the chairman of its board of county commissioners and attested by the clerk of such board under the seal of such board, and the consent of the State of Washington is hereby given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land so conveyed to it: *Provided*, Upon such conveyance being concluded a sufficient description by metes and bounds and an accurate plat or map of each such tract or parcel of land be filed in the auditor's office of Pierce county, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: *And provided*, That all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of said reservation, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made.

Record of U. S. title.

Service of process of state courts.

Emergency.

SEC. 21. Owing to lack of proper and adequate military training and preparedness, the public peace and safety are and will continue to be endangered, an emergency exists and this act is enacted for the support of the federal and state governments, as well as under the police power of the state, declared to be and is necessary for the immediate preservation of the public peace and safety, and shall take effect immediately.

Passed the Senate January 25, 1917.

Passed the House January 25, 1917.

Approved by the Governor January 27, 1917.

CHAPTER 4.

[H. B. 86.]

AUTHORIZING COUNTY INDEBTEDNESS FOR FEDERAL
ARMY POST.

AN ACT authorizing all counties now or hereafter organized to incur indebtedness, issue negotiable bonds, levy taxes to pay the principal and interest thereof, acquire by condemnation or otherwise land within the county, donate and convey the same to the United States for a permanent mobilization, training and supply station for any or all such military purposes, including supply stations, the mobilization, disciplining, and training of the United States army, state militia, and other military organizations, as are now, or may be then or thereafter, authorized or provided by or under federal law; conferring on such counties the power of eminent domain for the purposes of this act, and providing procedure therefor; granting the consent of the state to such conveyance, and ceding exclusive legislative jurisdiction to the United States over the land so conveyed; validating elections and proceedings heretofore had or held for incurring indebtedness for such purposes; declaring the existence of an exigency requiring the state and its governmental agencies to aid the federal government, and declaring an emergency.

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

SECTION 1. WHEREAS, In the judgment of the legislature of the State of Washington, an exigency has arisen demanding the exercise of the sovereign power of the state to aid and [in] repelling invasion, suppressing insurrection and defending the state in war, and

Preamble.

WHEREAS, It is the duty of the state and its governmental agencies to aid the national government to the full extent of their means and ability, and whereas, the success or defeat of the national government is equally the success or defeat of the state, and

WHEREAS, By the express mandate of article X of the state constitution, it is made the duty of the legislature to provide by law for organizing and disciplining the militia in such manner as it may deem expedient not incompatible with the constitution and laws of the United States, and

WHEREAS, By acts of congress, including those approved June 3rd, 1916, and August 29th, 1916, and regulations of the war department, disciplining by the federal government of the state militia (national guard) and other federal, state and local military organizations, at mobilization, training and supply stations is, among other things, provided, which method of disciplining the militia and other military organizations is, in the judgment of the legislature, deemed expedient and proper and not incompatible with the constitution and laws of the United States or existing laws of this state, and

WHEREAS, In the judgment of the legislature, the location of a permanent mobilization, training and supply station within the limits of any county of this state now or hereafter organized, availing itself of the provisions of this act, will aid and be of public benefit and advantage to the nation and state in repelling invasion, suppressing insurrection, defending the nation and state in war, and disciplining the militia, in which general public benefit and advantage the county availing itself of the provisions of this act will also proportionately share, but in addition to its general benefit will also enjoy additional and special benefits, with other local benefits and advantages, not accruing to the nation and other counties in the state, to an extent exceeding the cost of acquiring by condemnation or otherwise the site selected as herein provided.

SEC. 2. Whenever the secretary of war shall agree, on behalf of the federal government, to establish in any county now or hereafter organized in this state a permanent mobilization, training and supply station for any or all such military purposes as are now or may be then or thereafter authorized or provided by or under federal law, on condition that land in such county aggregating approximately a designated number of acres at such location or locations as may have been or thereafter be from time to time selected or approved by the secretary of war, be conveyed to the United States, with the consent of the State of Washington, free from cost to the

Authority to
counties to
incur indebt-
edness for
federal
army post.

United States, and the board of county commissioners of such county shall adjudge that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to incur an indebtedness in an amount sufficient to acquire land in such county aggregating approximately the number of acres so designated at such location or locations as have been theretofore or may be thereafter selected or approved by the secretary of war, and convey all of such lands to the United States to be used by the United States for any or all such military purposes, including supply stations, the mobilization, disciplining and training of the United States army, state militia and other military organizations as are now or may be then or thereafter authorized or provided by or under federal law, such county is hereby authorized and empowered by and through its board of county commissioners to contract indebtedness for such purposes in any amount not exceeding, together with the existing indebtedness of such county, five per centum of the taxable property of such county, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, whenever three-fifths of the voters of such county, voting on the question assent thereto at an election to be held for that purpose consistent with the general election laws, which election may be a special or general election: *Provided*, That if the election be a special election notice thereof shall be given and the question submitted as provided in section 4801 of Remington & Ballinger's Codes and Statutes of Washington and in section 4890 of 3rd Remington & Ballinger's Codes and Statutes of Washington.

Election to determine consent of voters.

SEC. 3. Whenever the board of county commissioners of any county shall submit to the voters of such county at an election to be held under the provisions of the last preceding section, the question of issuing bonds to procure money for such purposes and three-fifths of the voters of such county voting on the question have assented thereto, and the amount of such bonds, together with the

Assent to bond issue.

already existing county indebtedness will not exceed five per centum of the taxable property of such county, to be ascertained as provided in the last preceding section, then the board of county commissioners of such county is authorized and empowered to issue its negotiable bonds in the name of the county for the purposes for which such election was held. It being hereby declared that such purposes are purposes for which, under legislative authority, the county availing itself of the provisions of this act may lawfully incur indebtedness. Such bonds to be negotiable bonds of such county, payable in not more than twenty years, with interest not exceeding five per centum per annum, payable annually.

Form and
issuance of
bonds.

SEC. 4. Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate not to exceed five per centum per annum, payable annually, with coupons attached, for each interest payment. The bonds shall be signed by the chairman of the board of county commissioners and be attested by the clerk of such board and the seal of such board shall be affixed to each bond. The coupons shall bear the lithographed signature of the chairman and clerk of the board but need not be impressed with the seal. Such bonds shall be printed, engraved or lithographed on good bond paper and the bond shall state on its face that it is issued in compliance with the laws of the state of Washington. Such bonds shall be payable in any city containing a bank organized under the laws of the United States and may be sold by the county commissioners at not less than their par value, and their proceeds shall be applied only to the purposes for which such bonds were issued.

Tax levy to
liquidate
bonds and
interest.

SEC. 5. The county commissioners of the county issuing such bonds are hereby required to levy annually a tax sufficient to pay and retire the interest coupons of such bonds as they become due and ten years before such

bonds shall become due, the county commissioners are hereby authorized and required annually to levy a tax sufficient to liquidate such bonds at maturity. Such taxes shall be levied and collected as general county taxes are levied and collected, but the proceeds of such taxes shall be kept in a separate fund for the sole purpose of liquidating such bonds and interest coupons in accordance with the provisions of the following sections.

SEC. 6. It shall be the duty of the treasurer of any county issuing bonds under the provisions of this act, whenever he has on hand in such fund two thousand dollars, exclusive of interest requirements, to advertise for three successive issues in the newspaper doing the county printing, for the presentation to him for payment of as many of such bonds as he may be able to pay with the funds in his hands, to be paid in numerical order of such bonds, beginning with bond numbered one, until all of such bonds are paid: *Provided*, That thirty days after the first publication of such notice of the treasurer calling in any of such bonds by their number such bonds shall cease to bear interest, which shall be stated in the notice.

Calling bonds.

Cessation of interest.

SEC. 7. When any coupon is by its terms payable and is presented to the place where by its terms it is payable and is not paid for want of funds, it may then be presented to the treasurer of the county issuing such bonds, and it shall be the duty of the treasurer to endorse the same as presented in the same manner as county warrants are endorsed, and thereafter such coupon shall bear interest at the rate of six per centum per annum until paid, or interest is stopped after call for payment as county warrants are called for payment. The money in such fund shall be first applied to the payment of accrued interest.

Interest on coupons.

SEC. 8. Before such bonds are delivered to the purchaser they shall be presented to the county treasurer who shall register them in a book kept for that purpose and known as the "bond register," in which register he shall enter the number of each bond, the date of its issue, ma-

Registration of bonds.

turity, amount, rate of interest, when and where payable; and shall endorse on each bond a certificate that it has been registered as required by law.

SEC. 9. The right of eminent domain is hereby extended to every county availing itself of the provisions of this act, for every purpose of condemnation, appropriation or disposition intended by this act, and such county is hereby authorized and empowered to condemn and appropriate all lands and rights whatsoever whether now or hereafter devoted to other public use, including lands belonging to the state or any of its governmental agencies or public corporations held either in its or their proprietary capacity and whether already segregated from the public domain and appropriated to other public use or not, all under the procedure hereinafter provided: *Provided*, That it shall be discretionary with such county, as petitioner, to join as respondents all parties in one proceeding, or in one or more proceedings, as may be determined by its board of county commissioners or attorney for the county, and where the state is a party respondent it may be joined with the other respondents or proceeded against separately, all in the superior court of such county: *And provided further*, That the determination of the commissioners of such county that the secretary of war has selected the lands described in the petition or petitions shall be conclusive that public necessity requires their condemnation and appropriation for such military site.

SEC. 10. In proceeding to appropriate the land, real estate and premises herein provided for, such county, through its board of county commissioners, shall present to the superior court of such county or to the judge of such superior court, a petition in which the land, real estate, premises or other property sought to be appropriated shall be described with reasonable certainty, and setting forth the name of each and every owner, encumbrancer or other person or party interested in the same or in possession thereof, or any part thereof, so far as the same can

Power of eminent domain to condemn for army post.

Joinder of parties defendant.

Public necessity.

Petition for condemnation.

be ascertained from the public records, the object for which the land is sought to be appropriated, and praying that a jury be impaneled to ascertain and determine the compensation to be made in money, irrespective of any benefits from such improvement to such owner or owners, respectively, and to all tenants, encumbrancers and others interested, for the taking or injuriously affecting such lands, real estate, premises or other property, or in case a jury be waived, as in other civil cases in courts of record in the manner prescribed by law, then that the compensation to be made, as aforesaid, be ascertained and determined by the court or judge thereof.

SEC. 11. A notice, stating briefly the objects of the petition, and containing a description of the land, real estate, premises, or property sought to be appropriated, and stating the time and place when and where the same will be presented to the court, or the judge thereof, shall be served on each and every person named therein as owner, encumbrancer, tenant, or otherwise interested therein, at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the state; or in case of the absence of such person or party from his or her usual place of abode, by leaving a copy of such notice at his or her usual place of abode with some person of suitable age and discretion then resident therein; or in case of a foreign corporation or nonresident joint stock company or association doing business within the state, to any agent, cashier, secretary or employee thereof. In case of domestic corporations, such service may be made upon the president, secretary, managing agent, director or trustee of such corporation, and in the event the name and residence of any such officer cannot be ascertained, which fact may be shown by the affidavit of the attorney for the county, such service may be made upon the secretary of state and such service shall be deemed a good and sufficient service upon such corporation. In case

Service of
notice.

of minors on their guardians, or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor. In case of idiots, lunatics or persons laboring under legal disability, on their guardian; or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. The court shall appoint a guardian *ad litem* for such infant, insane person, or person under disability, to appear and defend for him, her or them, and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant or insane person or person under disability, in the particular property that is to be taken or damaged, or the compensation which shall be awarded therefor. In case the land, real estate, premises or other property sought to be appropriated is property of a city, town, school district or other municipal or public corporation, the said notice shall be served on the clerk of said city, town, school district, municipal or public corporation, and if there is no such clerk then upon the officer performing the duties pertaining to such clerk. In all cases when the owner or party claiming an interest in such real or other property is a non-resident of this state, or where the residence of such owner or party is unknown, and an affidavit of the attorney for the county shall be filed stating that he believes such owner or party is a non-resident of this state, or that, after diligent inquiry the residence of such owner or party is unknown, or cannot be ascertained by such affiant, service may be made by publication thereof in the official newspaper of the county, once a week for two successive weeks; in case the owners or claimants to any property described in the petition are unknown, it shall be sufficient to designate them as "all other persons unknown claiming any right, title, lien or interest in or to the property described herein," and service may be made on such owners or claimants as upon non-residents; such publication shall be deemed service upon each of such owners or claimants unknown or whose residence is unknown. Such notice shall be signed by the at-

torney for the county. Such notice may be served by any competent person over twenty-one years of age. Due proof of service of such notice, by affidavit of the person serving the same, or by the printer's affidavit of publication, shall be filed with the clerk of such superior court before or at the time of the presentation of such petition. All persons or parties having been served with notice as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings. In all cases not herein provided for, service of notices, orders and other papers in the proceedings authorized by this act may be made as the superior court, or the judge thereof, may direct, or as may be provided by law for service of summons and process in civil actions.

SEC. 12. In all condemnation proceedings brought for the purpose of appropriating any land owned by the state or in which it has an interest, service of notice shall be made upon the commissioner of public lands.

Service in
case state
owns lands.

SEC. 13. The court or judge may, upon application of the petitioner or of any owner or party interested, for reasonable cause, adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

Adjournment
of pro-
ceedings.

SEC. 14. At the time and place appointed for hearing said petition, or to which the same may have been adjourned, if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition, have been duly served with notice as above prescribed, and shall be further satisfied by competent proof that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, the court or judge thereof may make an order impaneling a jury. Such jury may be the same jury summoned for the trial of ordinary civil actions before the court or the court may, in its discretion, issue a venire to the sheriff to summon such number of qualified persons as the court shall deem sufficient.

Jury to be
impaneled.

SEC. 15. A judge of the superior court shall preside at the trial, which shall be held at such time as the court, or the judge thereof, may direct, at the courthouse in the county where the land, real estate, premises, or other property sought to be appropriated is situated, and the jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation, or company, or to the state, or to any municipal or public corporation or other party, by reason of the appropriation and use of such land, real estate, premises, or other property by such county, as aforesaid, and shall ascertain, determine and award the amount of damages to be paid to said owner or owners respectively, and to all tenants, encumbrancers, and others interested for the taking or injuriously affecting such land, real estate, premises, or other property, irrespective of any benefit from any improvement proposed by such county. Upon the trial, witnesses may be examined in behalf of either party to the proceedings, as in civil actions. Judgment shall be entered by the court, and not by the clerk, for the amount of the damages awarded to such owner or owners respectively, and to all tenants, encumbrancers, and others interested, for the taking or injuriously affecting such land, real estate, premises, or other property. In case a jury is waived as in other civil actions in courts of record in the manner prescribed by law, the compensation to be paid for the property sought to be appropriated shall be ascertained and determined by the court, or judge thereof, and the proceedings shall be the same as in trials of an issue of fact by the court. No judgment shall be final until signed by the court and filed with the clerk.

Trial.

Assessment
of damages.Judgment,
how entered.

SEC. 16. Any final judgment or judgments rendered by said court upon any finding or findings of any jury or juries, or upon any finding or findings of the court in case a jury be waived, shall be lawful and sufficient condemnation of the land or property to be taken, or of the right to damage the same in the manner proposed, upon the payment of the amount of such findings and all costs which shall be

Effect of
judgment.

taxed as in other civil cases: *Provided*, That in case any respondent recovers no damages, no costs shall be taxed. Such judgment or judgments shall be final and conclusive unless appealed from, and no appeal from the same shall delay the proceedings nor deprive the county of the right to possession of the property condemned, if such county, shall pay into court for the owners and parties interested, as directed by the court, the amount of the judgment and costs, and such county, after making such payment into court, shall be liable to such owner or owners or parties interested for the payment of any further compensation which may at any time be finally awarded to such parties so appealing in said proceeding, and his or her costs, and shall pay the same on the rendition of judgment therefor, and abide any rule or order of the court in relation to the matter in controversy. In case of an appeal to the supreme court of the state by any party to the proceedings the money so paid into the superior court shall remain in the custody of said superior court until the final determination of the proceedings. If any party entitled to appeal accepts the sum awarded by the jury or by the court, he shall be deemed thereby to have waived an appeal to the supreme court.

SEC. 17. The court, upon proof that just compensation so found by the jury, or by the court in case the jury is waived, together with costs, has been paid to the person entitled thereto, or has been paid into court, shall enter an order that such county shall have the right at any time thereafter to take immediate possession of or damage the property in respect to which such compensation shall have been so paid, and thereupon the legal title to any property so taken shall be vested in fee simple in such county, and a certified copy of such judgment or decree of appropriation and order shall be filed for record in the office of the county auditor of such county and shall be recorded by said auditor like a deed to real estate and with like effect. If the title to said land, real estate, premises, or other property attempted to be acquired is found to be

Appeals

Vesting of title in county.

defective from any cause, such county shall again institute proceedings to acquire the same as in this act provided.

Dismissal of proceedings as to any tract.

SEC. 18. At any time within six months from the date of rendition of the last judgment awarding compensation in the superior court for land taken or damaged, selected by the secretary of war, as provided in this act, or if any appeal be taken, then within two months after the final determination of the appeal in the supreme court, such county may dismiss the proceedings as to any tract or parcel of land described in any petition or petitions filed in accordance with this act, by resolution of its board of county commissioners before making payment, by paying or depositing in court all taxable costs incurred by any parties interested in the particular tract or tracts up to the time of discontinuance.

Payment of awards.

SEC. 19. Whenever claim is made to any money paid into court, as provided in this act the claimant may apply to the court therefor, and upon furnishing evidence satisfactory to the court that he or it is entitled to the same, the court shall make an order directing payment to such claimant of the portion of such money he or it shall be found entitled to, after first deducting the amount found to be due against the particular tract of land for all taxes and assessments as shown by the records in the office of the county treasurer and county assessor; but if, upon application, the court or judge thereof, shall decide that there are conflicting claims to the award he may proceed to hear and determine the same.

Practice and procedure.

SEC. 20. Except as herein otherwise provided, the practice and procedure under this act in the superior court and in relation to the taking of appeals and the prosecution thereof, shall be the same as in other civil actions, but all appeals must be taken within thirty days from the date of filing the judgment appealed from: *Provided*, That in case of appeal no bond shall be required of the county.

Appeals, time for taking.

Validation of bond election prior to present act.

SEC. 21. That in case at any general or special election in any county the question of incurring an indebtedness and

issuing the negotiable bonds of such county for the purpose of acquiring land in such county and conveying the same to the United States to be used by the government for mobilization, training and supply station, has been submitted to the vote of the voters of such county at any time within one year next prior to the date when this act shall be passed by the legislature, and the vote at such election was such as would have authorized by sufficient majority of votes the incurring of such indebtedness, and the issuance of such bonds, had this act then been in force and such vote been taken pursuant to the provisions of this act, then in that case such vote and all the proceedings in connection therewith had or taken be and the same hereby are validated and confirmed and such county is authorized and empowered by and through its county commissioners to proceed with the matters of incurring such indebtedness, issuing and selling such bonds, acquiring by condemnation or otherwise the lands selected or to be selected by the secretary of war as authorized by such election and this act, and with conveying the same to the United States, all substantially in the same manner as if this act had been in force and effect at all times for one year prior to the date of holding such election, then, at all times since, and now.

SEC. 22. Pursuant to the constitution and laws of the United States, and especially to paragraph seventeen of section eight of article one of such constitution, the consent of the legislature of the state of Washington is hereby given to the United States to acquire by donation from any county acting under the provisions of this act, title to all the lands herein intended to be referred to, to be evidenced by the deed or deeds of such county, signed by the chairman of its board of county commissioners and attested by the clerk of such board under the seal of such board, and the consent of the state of Washington is hereby given to the exercise by the Congress of the United States of exclusive legislation in all cases whatsoever, over such tracts or parcels of land so conveyed to it: *Provided*, Upon such conveyance being concluded, a sufficient description by metes and bounds and an accurate plat or map of

State consent
to county
donation of
land to
United States.

Exclusive
legislation
conferred on
Congress.

Service of
process of
state courts.

each such tract or parcel of land be filed in the auditor's office of the county in which such lands are situated, together with copies of the orders, deeds, patents, or other evidences in writing of the title of the United States: *And provided*, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state against any person charged with crime in cases arising outside of such reservation, may be served and executed thereon in the same mode and manner and by the same officers as if the consent herein given had not been made.

Compliance
of county
under
voluntary or
compulsory
law.

SEC. 23. Whenever, under any law heretofore or hereafter enacted, there is imposed upon any county an indebtedness not exceeding a specified amount, exclusive of interest, with the duty of issuing its negotiable bonds, levying taxes to pay the same, acquiring by condemnation or otherwise land in such county and conveying the same to the United States for a permanent mobilization, training and supply station, the voluntary assumption of such indebtedness, in whole or in part, under the provisions of this act, or the incurrence of such indebtedness in whole or in part by reason of the provisions of such compulsory law, when had under either or both laws to the extent required by the law imposing such indebtedness, shall, as to such indebtedness, be regarded as compliance with each of such laws, but the aggregate indebtedness of any county for such purposes shall not exceed the sum of two million dollars exclusive of interest.

Emergency.

SEC. 24. Owing to lack of proper and adequate military training and preparedness, the public peace and safety are and will continue to be endangered, an emergency exists and this act is enacted for the support of the federal and state governments, as well as under the police power of the state, declared to be and is necessary for the immediate preservation of the public, peace and safety, and shall take effect immediately.

Passed the House January 25, 1917.

Passed the Senate January 25, 1917.

Approved by the Governor January 29, 1917.

CHAPTER 5.

[H. B. 96.]

APPROPRIATION FOR WENATCHEE BRIDGE BONDS.

AN ACT making an appropriation from the public highway fund for the redemption of the Wenatchee bridge bonds and declaring an emergency.

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

SECTION 1. That the sum of fifty thousand dollars (\$50,000) be and the same is hereby appropriated from the public highway fund for the redemption of the Wenatchee bridge bonds. Appropriation, \$50,000.

SEC. 2. This act is necessary for the immediate preservation of public safety and support of the existing institutions of the state and shall take effect immediately. Emergency.

Passed the House January 29, 1917.

Passed the Senate January 29, 1917.

Approved by the Governor January 30, 1917.

CHAPTER 6.

[S. B. 19.]

CHANGING NAME OF CITY OF NORTH YAKIMA.

AN ACT changing the name of the city of North Yakima to Yakima.

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

SECTION 1. That the name of North Yakima, a city located in Yakima county, State of Washington, be and the same is hereby changed to Yakima. Name changed to Yakima.

SEC. 2. This act shall take effect and shall be in full force and effect from and after January 1, 1918. Time of taking effect.

Passed the Senate January 12, 1917.

Passed the House January 25, 1917.

Approved by the Governor January 30, 1917.

CHAPTER 7.

[H. B. 82.]

TESTING VOTING MACHINES FOR DISCREPANCIES.

AN ACT relating to elections and amending section 4910-15 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4910-15 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4910-15. *Provisions for Re-canvass of Vote.*

The registering mechanism of each voting machine used in any election shall remain locked and sealed against operation until the time for filing contests of election has expired which shall not exceed a period of thirty (30) days following any state primary, general or special election or a period of eight (8) days following any such city, town or other election, held by any municipal corporation or sub-division of this state at which voting machines are used in any or all of the precincts: *Provided, however,* That whenever it shall appear that there is a discrepancy in the returns of any election district the county commissioners, council, board of other governing body shall summon the inspector and judges of election thereof, who shall in their presence make a record of the number or other designating mark on the seal, and the number on the protective counter, open the counter compartment, and, without unlocking said machine against voting, shall recanvass the vote cast thereon. Before making such recanvass the county commissioners, council or board, shall give notice in writing to the custodian and to each political party or organization that shall have nominated candidates for the election, of the time and place where said recanvass is to be made; and each of such political parties or organization may send two representatives to be present at such recanvass. If, upon such recanvass, it should be found that the original canvass of the returns has been correctly made from the

Voting machines to remain sealed after election.

Recanvass of votes.

Unlocking voting mechanism to discover discrepancies.

machine, and that the discrepancy still remains unaccounted for, the county commissioners, council, board or other governing body, with the assistance of the custodian, shall in the presence of said inspector and judges of election and the authorized representatives of the several political parties or organizations, unlock the voting and counting mechanism of said machine and proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before being tested the counter shall be set at "000," after which each counter shall be operated at least 100 times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof and said statement shall be witnessed by the persons present and shall be filed with the officer or board in charge of the election.

Testing
machine.

SEC. 2. This act is necessary for the immediate support of the state government and shall take effect immediately.

Emergency.

Passed the House January 25, 1917.

Passed the Senate February 1, 1917.

Approved by the Governor February 3, 1917.

CHAPTER 8.

[H. B. 54.]

REGULATING USE OF ARMORIES AND RIFLE RANGES.

AN ACT relating to the governing and regulation of armories and rifle ranges, and amending section 7334 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7334 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 7334. The commander-in-chief shall promulgate in general orders such regulations for the use of

Use of
military real
property.

armories, rifle ranges, and other real property owned or leased by the state for military purposes as may be proper: *Provided*, That no armory shall be used for any other than a strictly military purpose without the recommendation of the officer in charge thereof: *And provided further*, That all civilian rifle clubs affiliated with the National Rifle Association of America shall be permitted the use of the rifle ranges in the armories owned by the state at least one night each week under such regulations as the commander-in-chief may direct: *And provided further*, That one room shall be set aside for the exclusive use of all veteran organizations subject to the direction of the officer in charge thereof; and the members of all veteran organizations and their auxiliaries shall have, at all times, access to said room, and said room shall be provided with furniture, heat, light and janitor service out of the maintenance item from the military fund, and said veteran organizations and their auxiliaries shall bear no expense or expenses whatever in connection with the maintenance, heating, lighting and furnishing of such room: *And provided further*, That all revenue derived from rentals of these armories shall be turned in to the state treasurer under such regulations as the commander-in-chief may direct and credited to the military fund.

Civilian
rifle clubs.

Room for
veteran or-
ganizations.

Disposition
of armory
rentals.

Passed the House January 29, 1917.

Passed the Senate January 31, 1917.

Approved by the Governor February 6, 1917.

CHAPTER 9.

[H. B. 20.]

DEFICIENCY APPROPRIATION FOR FISH COMMISSIONER.

AN ACT making appropriations for the office of the state fish commissioner for the balance of the biennial period ending March 31, 1917.

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

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated from the fisheries fund for the office of the state fish commissioner for the remainder of the biennial period ending March 31, 1917, to-wit:

Construction, repairs and maintenance of the salmon hatcheries, and patrol service and traveling expenses, \$19,654.73. Appropriation,
\$20,618.99.

Destruction of seals, Columbia river district, as provided by section 88 of fisheries code, \$964.26.

The foregoing appropriations shall be in lieu of any appropriations made by existing laws for the same purposes and any unexpended balance of any appropriation heretofore made for such purposes shall revert to the fisheries fund.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing institutions and shall take effect immediately. Emergency.

Passed the House January 12, 1917.

Passed the Senate January 31, 1917.

Approved by the Governor February 7, 1917.

CHAPTER 10.

[S. H. B. 15.]

REGULATING COURSES OF INSTRUCTION IN STATE
UNIVERSITY, COLLEGE, AND NORMAL SCHOOLS.

AN ACT relating to higher education; establishing the entrance requirements of the University of Washington, the State College of Washington, the State Normal School at Cheney, the State Normal School at Ellensburg, and the State Normal School at Bellingham; establishing the courses of instruction in the University of Washington and in the State College of Washington; authorizing the state board of education to prescribe courses of study for the state normal schools; providing for the awarding of certificates and diplomas by the state normal schools; creating a joint board of higher curricula and defining its powers and duties; and repealing all acts and parts of acts in conflict herewith.

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

"Major line"
defined.

SECTION 1. The term "major line," whenever used in this act, shall be held and construed to mean the development of the work or courses of study in certain subjects to their fullest extent, leading to a degree or degrees in that subject.

Exclusive
courses in
State
University.

SEC. 2. The courses of instruction of the University of Washington shall embrace as exclusive major lines, law, architecture, forestry, commerce, journalism, library economy, marine and aeronautic engineering, and fisheries.

Exclusive
courses in
State
College.

SEC. 3. The courses of instruction of the State College of Washington shall embrace as exclusive major lines, agriculture in all its branches and subdivisions, veterinary medicine, and economic science in its application to agriculture and rural life.

Courses
permitted to
University
and College
jointly.

SEC. 4. The courses of instruction of both the University of Washington and the State College of Washington shall embrace as major lines, liberal arts, pure science, pharmacy, mining, civil engineering, electrical engineering, mechanical engineering, chemical engineering, home economics, and the professional training of high school teachers, school supervisors and school superintendents. These major lines shall be offered and taught at said institutions only.

SEC. 5. Work and instruction in medicine when introduced or developed shall be offered and taught at the University of Washington exclusively.

Medicine as University course.

SEC. 6. Work and instruction in agriculture in all its branches and subdivisions shall be offered and taught in the State College of Washington exclusively.

Agricultural branches in State College.

SEC. 7. Whenever a course is authorized to be offered and taught by this act, in any of the institutions herein mentioned, as a major line, it shall carry with it the right to offer and teach graduate work in such major lines.

Graduate work.

SEC. 8. The work of the department of elementary science shall be continued and developed at the State College of Washington.

Elementary science at State College.

SEC. 9. Requirements for entrance to the University of Washington, the State College of Washington, and the state normal schools of Washington, shall not be less than graduation from a four-year accredited high school except for persons twenty-one years of age or over and except for students in the elementary science departments of the State College of Washington. This requirement may be waived as to summer school, short courses or extension work.

Entrance requirements.

SEC. 10. The courses of instruction for the professional training of teachers for the elementary schools shall be offered and taught at the state normal schools only.

Normal school instruction.

SEC. 11. The state board of education shall prescribe courses of study for the state normal schools as follows:

State board of education to prescribe normal courses.

Elementary courses of one and two years; advance courses of three or of four years; a special advanced course of one year for graduates from colleges and universities: *Provided*, That the four-year advanced course shall not become operative before the year 1920.

Upon satisfactory completion of any one of these courses a student shall be awarded an appropriate certificate or diploma as follows:

Teachers' certificates.

Upon the completion of a one-year elementary course, a normal school elementary certificate may be issued which

shall be valid in the elementary schools of the state for a period of two years. Upon the completion of a two-year elementary course a normal school elementary diploma may be issued which shall be valid in the elementary schools of the state for a period of five years, and which may be renewed for a like period or a normal school life diploma issued in its stead: *Provided*, The holder shows professional growth and furnishes evidence of not less than twenty-four (24) months of successful teaching experience. Upon completion of a three-year advanced course a special normal school diploma may be issued which shall be valid in the common schools of the state for a period of five years, and which may be renewed for a like period or a normal school life diploma issued in its stead: *Provided*, The holder shows professional growth and furnishes evidence of not less than twenty-four (24) months of successful teaching experience. Upon completion of said four-year advanced course, an advanced special normal school diploma may be issued which shall be valid in the common schools of the state for a period of five years, and which may be renewed for a like period or a normal school life diploma issued in its stead: *Provided*, The holder shows professional growth and furnishes evidence of not less than twenty-four (24) months of successful teaching experience. Upon completion of a one-year advanced course for college and university graduates, a graduate normal school diploma may be issued which shall be valid in the common schools of this state for a period of five years, and which may be renewed for a like period or a normal school life diploma issued in its stead on a proper showing of professional growth and evidence of not less than twenty-four (24) months of successful teaching experience.

SEC. 12. There is hereby established a joint board of higher curricula composed of nine members, namely, the president of the University of Washington, two regents of said university selected by the board of regents of said university, the president of the State College of Washing-

ton, two regents of said college selected by the board of regents of said college, the president of one of the state normal schools selected by the presidents of the state normal schools, and one trustee from each of the boards of trustees of the other two normal schools, selected by their respective boards of trustees. The selected members of the joint board shall hold office for two years and shall serve until their successors are selected.

Said joint board of higher curricula shall meet at the state capitol on the first Monday in October of each year, and proceed to organize by electing one of their number as chairman and one of their number as secretary. Special meetings may be called by the chairman and must be called at the written request of three members of said joint board.

Meetings of board.

Said joint board shall each year consider matters of efficiency and economy in the administration of the foregoing institutions and shall make recommendations to the boards of regents and of trustees of the several institutions. They shall survey the several institutions, investigating the enrollment, attendance, and cost of instruction, in the several institutions, and report biennially to the governor, on or before December 15th next preceding the convening of the legislature, the courses of study pursued in each institution, and the detailed cost per student of operating and maintaining the various courses of study. They shall report such other matters as said joint board may deem necessary. No new major professional or applied science line shall be introduced into any of the foregoing institutions except with the approval of six members of said joint board of higher curricula.

Duties of board.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Passed the House February 2, 1917.

Passed the Senate February 2, 1917.

Approved by the Governor February 10, 1917.

CHAPTER 11.

[H. B. 143.]

ALLOTMENT OF LANDS AND FUNDS TO STATE COLLEGE.

AN ACT relating to the support of the State College of Washington, and allotting lands and funds thereto.

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

Federal
land grant.

SECTION 1. The one hundred thousand acres of land granted by the United States government to the State of Washington for a scientific school in the enabling act of the State of Washington, is hereby assigned to the support of the State College of Washington.

Funds under
Morrill act.

SEC. 2. All funds granted by the United States government under the Morrill act, passed by congress and approved July 2, 1862, together with all acts amendatory thereof and supplementary thereto, for the support and in aid of colleges of agriculture and mechanic arts, as well as experiment stations and farms and extension work in agriculture and home economics in connection with colleges of agriculture and mechanic arts are hereby allotted to the State College of Washington.

Passed the House February 2, 1917.

Passed the Senate February 2, 1917.

Approved by the Governor February 10, 1917.

CHAPTER 12.

[S. B. 21.]

OPERATION OF WATER WORKS BEYOND CITY LIMITS.

AN ACT relating to the acquirement, operation and maintenance of certain public utilities by municipal corporations, validating utility bonds in certain cases, and declaring an emergency.

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

Authorizing
cities and
towns to
operate
water sys-
tems beyond
corporate
limits.

SECTION 1. Whenever any city or town in the State of Washington owns or has acquired, or may hereafter become the owner of or acquire any water utility, and

shall desire to extend such utility beyond its corporate limits, it shall be lawful for such city or town to acquire, make, build, construct and maintain such extension, and to sell, dispose of and distribute its product or service to any other municipality, or to any person, firm or corporation, desiring to purchase the same. Such portion of such public utility that extends beyond the corporate limits of any city, shall be operated at such prices, and under such rules and regulations, as may be prescribed by the public service commission: *Provided, however,* The rights and obligations of existing franchises shall be maintained by the owner of such public utility: *Provided further,* That all cities and towns are hereby authorized to purchase, own and control franchises and distributing systems of water in other cities and towns.

SEC. 2. Whenever any city or town has heretofore issued or authorized to be issued by such vote of its electors as is required by law at any election duly and legally held to vote on such proposition, such utility bonds for the purpose of purchasing, paying for or acquiring any such utility as is described in this act, in every such case such utility bonds are hereby declared to be legal and valid, and such city or town is hereby authorized and empowered to proceed to issue and negotiate such bonds and to continue and conclude proceedings for the purchase or acquirement of such utility, and is hereby given full power to maintain and operate the same within all and every part of such contiguous territory whether incorporated or unincorporated.

Validation
of bonds for
public
utilities.

SEC. 3. Whenever bonds have been authorized for the purchase of such utility as set forth in paragraph one herein, and such purchase price fails to include taxes which may or shall become due on any such utility, subsequent to the date of the election at which such bonds were authorized, then such taxes or the amount thereof may be paid by the said purchasing municipality in addition to the maximum sum authorized in the ordinance or proposition theretofore submitted to the electors and ap-

Taxes due on
purchased
plant, how
paid.

proved by them, without re-submitting to said electors the said proposition to pay said taxes or to purchase said plant at such increased cost; such additional sum for taxes may be paid by such utility out of the revenue of such system by issuing and negotiating water fund warrants against the revenue of such system, or in such manner as is authorized by law.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public health and safety and shall take effect immediately.

Passed the Senate January 29, 1917.

Passed the House February 7, 1917.

Approved by the Governor February 10, 1917.

CHAPTER 13.

[S. B. 35.]

PREVENTION OF SPREAD OF HYDROPHOBIA.

AN ACT relating to the control of rabies or hydrophobia in dogs and amending section 6, chapter 100, Laws of 1915 (section 3204 of Remington & Ballinger's Annotated Codes and Statutes of Washington) and declaring an emergency.

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

SECTION 1. That section 3204 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Quarantine districts.

Section 3204. Quarantine shall mean the placing and restraining of any animal or animals by the owners or agents in charge of them within certain enclosures described or designated by the commissioner of agriculture, the assistant commissioner of agriculture assigned to the division of dairy and livestock or any inspector of the department of agriculture, in writing, and if the quarantine shall be for the purpose of preventing the spread of rabies or hydrophobia, the notice shall be published in the official newspaper of the county or counties included in

the quarantined area or if there be no such newspaper then in one newspaper circulating generally within such area and said notice shall contain a warning to the owners of dogs within the quarantined area to confine closely or to muzzle all such dogs to effectually prevent biting, and any dog found running at large in such quarantined area at any time after five days from the date of the publication of such notice or known to have been removed from or to have escaped from such area, not being muzzled as aforesaid, may be shot or otherwise destroyed, by any person, without liability therefor.

Dogs to be muzzled.

Any owner or owners or agent who fails to comply with or wilfully violates or negligently allows such quarantine to be violated by the escape and running at large of quarantined animals shall be guilty of a misdemeanor.

Penalty.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Emergency.

Passed the Senate January 25, 1917.

Passed the House February 7, 1917.

Approved by the Governor February 10, 1917.

CHAPTER 14.

[H. B. 50.]

DEFICIENCY APPROPRIATION FOR INDUSTRIAL INSURANCE COMMISSION.

AN ACT appropriating the sum of seventy-nine hundred dollars, or so much thereof as may be necessary, for the salaries and expenses of the industrial insurance department for the remainder of the biennial period ending March 31, 1917.

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

SECTION 1. The sum of seven thousand one hundred dollars (\$7,100.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund, for the purpose of paying the salaries and expenses of the

Appropriation \$7,900.

industrial insurance department for the remainder of the biennial period ending March 31, 1917.

SEC. 2. The sum of eight hundred dollars (\$800.00), or so much thereof as may be necessary, is hereby appropriated out of the general fund, for the purposes of paying printing expenses of the industrial insurance department for the remainder of the biennial period ending March 31, 1917.

Emergency.

SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the House January 25, 1917.

Passed the Senate February 9, 1917.

Approved by the Governor February 14, 1917.

CHAPTER 15.

[S. B. 15.]

RELIEF OF CLAUDE C. RAMSAY, J. A. BAILLARGEON, AND
B. G. W. LICHTENBERG.

AN ACT for the relief of Claude C. Ramsay, J. A. Baillargeon and B. G. W. Lichtenberg, and their successors in interest in state contract of sale No. 3362 to lots 8 and 9, block 17, Lake Union shore lands.

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

SECTION 1. That the cloud cast by the state upon the title to the hereinafter described shore lands by the passage of chapter 233 of the Session Laws of 1909 be hereby removed and that the commissioner of public lands shall forthwith determine what proportion of the unpaid balance of the purchase price under state contract of sale No. 3362, issued pursuant to application No. 524, of block seventeen (17), of Lake Union shore lands, is justly chargeable to that portion of lots eight and nine (8 and 9) of said block seventeen (17), which is contained within the boundary of lot [one] (1), block three (3) of Montlake Park, an addition to the city of Seattle, according to the re-

Adjusting
title to lots
8 and 9,
block 17,
Lake Union
shore lands.

corded plat thereof, and upon receipt of full payment of the proportion thus determined, together with interest thereon at the rate of six per cent (6%) per annum from July 20th, 1908, to the date of payment by Claude C. Ramsay, J. A. Baillargeon and B. G. W. Lichtenberg, and statutory fee for deed, the purchasers named in the aforesaid contract, or their successor or successors in interest in said premises, said commissioner of public lands shall certify such fact to the governor, whereupon the governor shall cause a deed to issue to such purchasers or their successor or successors in interest, as the case may be, to that portion of said lots eight and nine (8 and 9), of block seventeen (17), Lake Union shore lands, hereinabove referred to: *Provided, however,* That if such payment be not made within thirty (30) days after the amount thereof is determined by the commissioner of public lands, as aforesaid, then the provisions of this act shall be null and void.

Passed the Senate January 23, 1917.

Passed the House February 14, 1917.

Approved by the Governor February 17, 1917.

CHAPTER 16.

[S. B. 39.]

IMPROVEMENT OF PERMANENT HIGHWAYS THROUGH THIRD AND FOURTH CLASS CITIES.

AN ACT relating to the improvement of public highways and amending section 5879-18 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5879-18 of Rem. & Bal. Code be amended to read as follows:

Section 5879-18. Each and every county of this state is hereby authorized to build, construct and improve any permanent highway as same is defined by this chapter, through the corporate limits of any city of the third or

Power conferred on counties.

fourth class, or any unclassified city having a population which would entitle it to reorganize as a city of the third or fourth class, upon such streets or other rights of way connecting with such permanent highway in the corporate limits of such municipality as may be provided for such purpose by the municipal authorities, of sufficient width and appropriate for said purpose.

Passed the Senate January 30, 1917.

Passed the House February 14, 1917.

Approved by the Governor February 17, 1917.

CHAPTER 17.

[S. B. 85.]

GRANTING SHORE LANDS TO WENATCHEE FOR PARK PURPOSES.

AN ACT authorizing and directing the commissioner of public lands to certify certain shore lands to the governor for deed and authorizing and directing the governor to execute and the secretary of state to attest a deed, conveying to the city of Wenatchee certain shore lands for use as, and in connection with its public park and for no other purpose.

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

SECTION 1. That the commissioner of public lands of the State of Washington be and is hereby authorized and directed to certify to the governor in the manner now provided by law in other cases, for deed to the city of Wenatchee in the State of Washington, all of the shore lands owned by the State of Washington, situate in front of, adjacent to, or abutting upon the following described uplands, to-wit: All that portion of lot 4, section 3, township 22, north, range 20 east, W. M., lying south of the north city limits of the city of Wenatchee; lots 5 and 6 of said section 3; lot 1, section 10, and that part of lot 3, section 11, lying north of the south line of lot 1 of section 10, produced easterly across said lot 3 of section 11, all in township 22 north, range 20 east, W. M., and the

Governor
authorized
to deed
certain
shore lands.

governor is hereby authorized and directed to execute and the secretary of state to attest with his signature and seal, in the manner provided by law now governing the execution of deeds of state lands, a deed conveying to the city of Wenatchee all of said shore lands.

SEC. 2. That all of the said shore lands described in section 1 of this act be and the same are hereby granted to the city of Wenatchee, county of Chelan, State of Washington, to be known as Ferryman Park, and to be used by said city as a public park and for no other purpose. In case the city of Wenatchee should attempt to use, or permit the use of, said lands or any portion thereof for any other purpose, all of said lands shall forthwith revert to the State of Washington absolutely without suit, action or any proceeding whatsoever or the judgment of any court forfeiting the same.

Purpose of
grant.

Passed the Senate January 30, 1917.

Passed the House February 14, 1917.

Approved by the Governor February 17, 1917.

CHAPTER 18.

[S. B. 141.]

CHANGING NAME OF TOWN OF TOLT.

AN ACT changing the corporate name of the town of Tolt, in King county, State of Washington, to "Carnation."

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

SECTION 1. That the name of the town of Tolt, situated in the county of King, State of Washington, be, and the same is hereby, changed to "Carnation."

Name
changed to
Carnation.

Passed the Senate February 1, 1917.

Passed the House February 14, 1917.

Approved by the Governor February 19, 1917.

CHAPTER 19.

[H. B. 4.]

RESTRICTING IMPORTATION, SALE, USE, AND POSSESSION OF INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors and the importation, receipt, purchase, transportation, manufacture, possession, use, sale and disposition thereof, prescribing the powers and duties of certain officers in relation thereto, establishing rules of evidence in certain cases, amending sections 7, 8, 17, 23, 31, and 32, and repealing sections 15, 16, 18, 19, 20, 21, 22, and 29 of initiative measure No. 3, enacted by the people November 3, 1914, and further amending said act by adding thereto new sections to be known as sections 17a, 17b, 17c, 17d, 17e, 17f, 17g and 17h, and providing penalties for violations thereof.

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

SECTION 1. That section 7 of initiative measure No. 3, enacted by the people November 3, 1914, be amended to read as follows:

Section 7. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist, actually engaged in the wholesale drug business in this state, from selling alcohol to a retail druggist, a hospital or manufacturer, licensed to purchase the same under the provisions of this act, or from selling alcohol for export and shipping the same to places outside the state, or to prohibit a registered druggist or pharmacist, actually engaged in the retail drug business in this state, from selling alcohol to any person holding a permit to purchase the same, issued under the provisions of this act, or to prohibit an ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation in this state, from administering intoxicating liquor for sacramental purposes only; but it shall be unlawful for a registered druggist or pharmacist engaged in the wholesale drug business only, to sell alcohol to any other person than a retail druggist, a hospital, or a manufacturer, licensed to purchase the same under the provisions of this act, and it shall be unlawful for any person other than a registered

druggist or pharmacist to sell alcohol for any purpose whatsoever, and it shall be unlawful for any druggist or pharmacist, or any other person, to dilute or adulterate alcohol, or compound it with any other substance in such proportions that it shall be capable of being used as a beverage, and sell, barter, exchange, give away, furnish, or otherwise dispose of the same, or to permit any alcohol to be diluted or adulterated, or compounded with any other substance, and drunk on the premises where sold. It shall be the duty of every druggist or pharmacist, engaged in the retail drug business, selling any alcohol for any of the purposes above provided, or to any person holding a permit to purchase the same, to keep, in a well bound book provided by him for that purpose, a true and correct record of each sale made, and to enter in such record, at the time of every sale of alcohol made by him, or in or about his place of business, the date of sale, the name of the purchaser, his place of residence (stating the street name and house number, if such there be, and the city or town, and county of such residence), the quantity and price of the alcohol, the purpose for which it was sold, the date and number of the permit upon which it was sold, and the name of the county in which said permit was issued, and the initials of the person making the sale, and to require the purchaser to sign the record in the book. Such record of sales, shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town, or member of a city or town council. It shall be unlawful for any druggist or pharmacist, or any other person, to destroy, mutilate or in any way alter any such record or an entry therein, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof to any person entitled to such inspection, or to sell or to ship to any person holding a permit to purchase the same, any alcohol in excess of the quantity specified in such permit, or to sell any alcohol without obtaining the signature of the purchaser, in case

Use as
beverage
prohibited.

Record of
sales.

Permits.

delivery is made to the purchaser, or entering the name of the carrier to whom the alcohol was delivered for transportation, in the record of the sale, or to deliver any package containing alcohol so sold, without securely affixing thereto in a conspicuous place on the outside thereof, an original permit for the purchase of the same, issued to the purchaser, by a county auditor of this state, within thirty days prior to the date of such sale, and in case of delivery to the purchaser, without defacing and cancelling such original permit, so that it cannot be used again, and receiving, from the purchaser the duplicate permit, of like number, date and tenor as the original, dated on the date of the sale, and signed by the purchaser in the same handwriting as the signature of the applicant upon the original permit, and witnessed by the person making the sale, but in case delivery is to be made by a common carrier, or person engaged in the business of transporting goods, wares and merchandise, it shall be lawful for the druggist or pharmacist, selling alcohol upon a permit to purchase the same, after securely affixing the original permit to the package containing the alcohol, in a conspicuous place on the outside thereof, to deliver such package to such common carrier for transportation to the person named in the permit, without defacing or cancelling such permit, and in such case it shall be unlawful for such carrier to deliver such package to any other person than a forwarding common carrier, or the person named in the original permit attached to such package; or for any such common carrier or forwarding carrier to deliver such package to the person named in the permit, without defacing and cancelling such original permit so that it cannot be used again, and receiving, from the person named in the permit, the duplicate permit of like number, date and tenor as the original, dated on the day of delivery, and signed by the person named in the permit in the same handwriting as the signature of the applicant, upon the original permit, and witnessed by the person making the delivery. It shall be unlawful for any drug-

Transportation by common carriers.

gist or pharmacist who has been or shall be convicted of any violation of the provisions of this act, to within two years thereafter, sell alcohol for any purpose whatsoever, and upon a second conviction of any such violation such druggist or pharmacist shall, in addition to the penalty provided by this act for such violation, forfeit his right to sell drugs or practice pharmacy, as the case may be, and it shall be the duty of the justice of the peace or judge of the superior court, before whom such second conviction is had, to so adjudge and to transmit a certified copy of such judgment to the board of pharmacy, and such board shall forthwith, upon the receipt of such copy, cancel the license of such druggist or pharmacist, and no other license shall be issued to such druggist or pharmacist within two years from the date of such cancellation. It shall be the duty of every druggist and pharmacist, and of every common carrier, to keep on file all duplicate permits for the purchase of alcohol, received upon the delivery thereof to the persons named in such permits, and such duplicate permits shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town council, and it shall be unlawful for any druggist or pharmacist, or common carrier, or any other person, to destroy, mutilate, or in any way alter any such duplicate permit, or to permit or procure the same to be destroyed, mutilated or altered or to refuse inspection thereof, to any person entitled to such inspection.

Penalty for violations of act by druggist.

Duplicate permits kept on file.

SEC. 2. That section 8 of said initiative measure No. 3 be amended to read as follows:

Section 8. Nothing in this act shall be construed to prohibit a licensed physician from administering alcohol, but it shall be unlawful for any licensed physician to administer diluted or adulterated alcohol, or alcohol compounded with any other substance, in such proportions that it shall be capable of being used as a beverage, and, it shall be unlawful for any licensed physician to issue a

Alcohol, prescription by physician.

prescription for alcohol to be diluted or adulterated, or compounded with any other substance in such proportions that it shall be capable of being used as a beverage, and it shall be unlawful for any druggist or pharmacist to knowingly fill any prescription for any diluted or adulterated alcohol or alcohol compounded with any other substance, in such proportions that it shall be capable of being used as a beverage.

SEC. 3. That section 17 of said initiative measure No. 3 be amended to read as follows:

Section 17. Every registered druggist or pharmacist actually engaged in the wholesale drug business in this state and desiring to import alcohol for sale under the provisions of this act, and every registered druggist or pharmacist actually engaged in the retail drug business in this state and desiring to import or purchase alcohol for sale or for use in compounding and manufacturing drugs and medicines, under the provisions of this act, and every person actually engaged in maintaining and conducting a hospital, containing not less than twenty beds for patients, and desiring to import or purchase alcohol for use in such hospital for medicinal, surgical, massage, antiseptic or other hospital purposes only, under the provisions of this act, and every person actually engaged in the business of manufacturing products containing alcohol, other than intoxicating liquors, or products requiring the use of alcohol in their process of manufacture, and desiring to import or purchase alcohol for use in manufacturing such products, under the provisions of this act, shall file with the county auditor, of the county in which his place of business is situated, an application for a license so to do, and every person desiring to purchase alcohol from a retail druggist for mechanical, chemical, scientific, medicinal, or hygienic purposes, under the provisions of this act, shall make and file with the county auditor of the county in which he resides, an application in writing for a permit so to do. Every such application for a license to import or purchase alcohol shall be in writing in duplicate

Licenses for
importing
alcohol.

License
applications
for import
or purchase
of alcohol.

and be signed and verified under oath by the applicant, that the statements therein contained are true, and shall state: the name and place of residence of the applicant; the name under which he is engaged in business; the exact location of his place of business (giving the street name and number, if any there be, and the city or town and county); the nature of the business in which the applicant is engaged, whether wholesale, retail, maintaining a hospital or manufacturing, and, in case of a hospital, the number of beds for patients therein, and in case of manufacturing, the products manufactured; that it is necessary from time to time to import or purchase alcohol; the quantities and frequency of such importations or purchases; that such alcohol is not to be used, sold or disposed of in violation of law, but is to be obtained for sale or use in compliance with the provisions of this act; that the applicant, or the officers, or agents or servants in charge of the business of a corporation applicant, or the members of a copartnership applicant, have not, within two years prior to the date of the application, been convicted of any violation of the provisions of this act; and, in case the application is made on behalf of a corporation or a copartnership, shall state the names and places of residence of the managing officers of the corporation, or of the members of the copartnership, as the case may be, and the official position or other connection therewith of the person signing and verifying the application. Applications for licenses to import or purchase alcohol for wholesale, retail or manufacturing purposes or any of them may be combined, and licenses granted for one or more of such purposes: *Provided*, That a license to import or purchase alcohol for sale, shall not be granted to an applicant engaged in manufacturing only. Every such application for a permit to purchase alcohol from a retail druggist for mechanical, chemical, scientific, medicinal or hygienic purposes, shall be signed and verified under oath by the applicant, that the statements contained therein are true, and shall state the name and place of residence of the

Permit
application.

applicant, (giving the street name and house number, if any there be, and the city or town and county) the quantity of alcohol which he desires to purchase, the purpose for which he desires to purchase and use the same, and the facts showing his reasonably necessary use therefor.

SEC. 4. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17a and to read as follows:

Section 17a. Every regularly ordained clergyman, priest or rabbi, actually engaged in ministering to a religious congregation and desiring to import intoxicating liquor for sacramental purposes only, shall file with the county auditor of the county in which his congregation has its place of worship, an application for a license so to do. Every such application shall be in writing, in duplicate, and be signed and verified under oath, or upon affirmation, by the applicant, that the statements therein contained are true, and shall state: the name and place of residence of the applicant; the office which he holds; the place and date of his ordination; the name of the congregation to which he ministers and the exact location of its place of worship (giving the street name and number, if any there be, and the city or town and county); that it is necessary from time to time to import intoxicating liquor for sacramental purposes; the kind of liquor; the quantities and frequency of such importations; that such intoxicating liquor is not to be sold or disposed of in violation of law, but is to be imported and used for sacramental purposes only; and that the applicant has not, within two years prior to the date of the application, been convicted of any violations of the provisions of this act.

SEC. 5. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17b and to read as follows:

Section 17b. Upon the filing of an application for a license to import or purchase alcohol, or to import intoxicating liquor for sacramental purposes, as provided in the preceding sections, and the payment of a fee of three

Import for
sacramental
purposes.

Form of
application
for licenses.

Hearing of
application.

dollars, it shall be the duty of the county auditor to give the application a serial number and set it for hearing at a time not less than ten or more than twenty days from the date of filing, to notify the applicant of the time and place of the hearing, and to transmit the duplicate application, with the serial number and time and place of hearing endorsed thereon, to the prosecuting attorney of the county, and it shall be the duty of the prosecuting attorney to investigate the facts stated in the application, and attend the hearing and inform the auditor of the result of such investigation. At the hearing the applicant shall appear and offer such proof in support of the application as the auditor may reasonably require, and the prosecuting attorney may offer such proof in opposition to granting the application as the auditor may deem material, which proof may be affidavit or other documentary evidence, and the auditor shall have power to administer oaths and examine witnesses under oath. If at the hearing it shall appear to the auditor that the applicant, or any officer, agent or servant in charge of the business of a corporation applicant, or member of a copartnership applicant, has been convicted of a violation of any of the provisions of this act within two years prior to the date of the application, or that the person signing the application has wilfully made any false statement therein, the application shall be denied. If it shall appear to the auditor that the statements contained in the application are true, and that the license is sought in good faith and for a lawful purpose, he shall issue a license in the name of the applicant and bearing the serial number of the application, granting to the licensee the right, for the period of one year from the date of the license, to have issued to him from time to time, and at such intervals only as are specified in the license, permits for the importation or purchase, and transportation of alcohol for the purpose or purposes to be specified in the license, or for the importation and transportation of intoxicating liquor, for sacramental purposes only, of such kind as may be specified in the license, as the case may be,

Issuance of
license.

in such quantities, to be specified in the license, as the auditor may determine are reasonably required by the licensee for the purposes specified. Every such license shall be signed by the auditor or his authorized deputy, be sealed with his official seal, and bear the date of its issue, and be issued in duplicate and one of such duplicates shall be filed in the auditor's office with the application therefor, and such license shall remain in force for the period of one year from the date of issue, unless sooner revoked by order of court or by the county auditor, upon notice to the licensee and a finding made that the licensee has ceased to do business at the place specified in the application, or in case of a clergyman, priest or rabbi, has ceased to minister to the congregation specified, or that the licensee, or some officer, agent or servant in charge of the business of a corporation licensee, or some member of a copartnership licensee, has been convicted of a violation of this act. Any applicant feeling himself aggrieved by the refusal of a county auditor to grant a license, or by the restrictions, as to quantities or intervals of importation or purchase, contained in any license granted, or any licensee feeling himself aggrieved by any revocation of his license by the county auditor, or any prosecuting attorney believing that any license has been wrongfully issued, or that such license does not contain the proper restrictions as to the quantities or intervals of importations or purchase, or that the auditor has wrongfully refused to revoke a license, may, at any time within ten days from the date of the decision of the auditor, appeal therefrom to the superior court of the county, by filing with the auditor, and serving upon the applicant or licensee, or prosecuting attorney, as the case may be, a notice in writing setting forth the decision appealed from, and all such appeals shall be heard *de novo* and summarily determined as the court may in the exercise of a sound discretion decide. Upon the filing of an application for a permit to purchase alcohol from a retail druggist, and the payment of a fee of ten cents, the county auditor, if he

Appeals to
superior
court.

Permits to
purchase
from retail
druggist.

shall be satisfied of the truth of the statements made in the application, and that the applicant is of good moral character, shall issue to the applicant an original and duplicate permit of like number and date as the application, which permit shall be for such quantity of alcohol as the auditor, in the exercise of a sound discretion, shall determine is reasonably necessary for the needs of the applicant, for the purposes stated in the application. If the county auditor shall have reason to believe that the applicant has made any false statement in the application, or that the application is not made in good faith, and for a legitimate purpose, he may require the applicant to be identified and vouched for by some reputable citizen of the county.

SEC. 6. That said initiative measure No. 3 be amended by adding thereto a new section to be known as 17c and to read as follows:

Section 17c. So long as any license, issued under the provisions of the preceding section, shall remain in force, the county auditor shall, from time to time and at such intervals only as are specified in the license, and upon the filing of a request therefor in writing signed and verified under oath by the licensee and stating the number of the license and the amount of alcohol, or other intoxicating liquor as the case may be, remaining on hand of previous importations or purchases, and the payment of a fee of ten cents for each permit, issue to the licensee permits for the importation or purchase and transportation of alcohol, or the importation and transportation of intoxicating liquor for sacramental purposes only, as the case may be, in accordance with the terms of the license, and shall endorse the numbers of the permits issued on the request, with the date of issue, and file the same with the original application and the duplicate license. Blank forms of permits shall be printed on paper of such quality, color, size and shape, and with such style of type, as may be determined from time to time, and at least once in each

Permits for
importation
of alcohol
and
sacramental
liquors.

Form of
permits.

calendar year, by the state bureau of inspection and supervision of public offices, is best calculated to prevent counterfeiting and forgery, and shall be uniform throughout the state except as to the name of the county where issued, and shall be printed by the state printer, in triplicate on sheets of paper with perforations, and designated "Office Copy," "Original" and "Duplicate," respectively, and bound in book form, in such quantities as may be ordered upon the requisition of the respective county auditors, at the expense of the respective counties, and at the rates provided by law for state printing of like kind, character and quantity, and shall be in substantially the following form:

"Office Copy"	"Original"	"Duplicate"
"State of Washington	} ss.	License No.....
County of.....		Permit No.....

Authority is hereby granteddoing business at No., street, city (or town) of, county of, State of Washington, to import or purchase and have transported gallons of alcohol (or "Authority is hereby granted Rev. residing at No., street, city (or town) of, county of, State of Washington, to import and have transported quarts (or gallons) of(kind of liquor)....."). This permit shall be used for only one shipment, shall be affixed in a conspicuous place to the package containing the shipment, shall be cancelled upon delivery of the shipment to the person above named, and shall be void thirty days from date.

Dated the day of, 19.....

[SEAL]
County Auditor.

By.....
Deputy.

At the bottom of the "Office Copy" there shall be printed "Received the original and duplicate of this permit this day of, 19.....

.....
Licensee.

At the bottom of the "original permit" there shall be printed in red ink, the following:

"WARNING: IT IS UNLAWFUL for any person or common carrier to transport on, or attached to, this permit any liquor of any other kind than, or in any quantity in excess of, that specified in this permit, or to deliver the package to which this permit is attached to any other person than the consignee named herein, or to the consignee without defacing and cancelling this original permit and receiving the duplicate hereof signed by the consignee."

At the bottom of the "duplicate permit" there shall be printed in red ink the following:

"WARNING. This is a duplicate permit to be signed and surrendered by the consignee herein named upon the receipt of the package to which the original hereof is attached. IT IS UNLAWFUL for any person or common carrier to transport on, or attach to, this duplicate permit any alcohol or other intoxicating liquor;" and below shall be printed: "Received the above described shipment this day of, 19."

Consignee."

All permits, both original and duplicate, shall be signed by the county auditor issuing the same, or by his authorized deputy, and bear the serial number of the license upon which they are issued, the serial number of the individual permit, the date of issue, and the official seal of the auditor. Permits for the purchase of alcohol for mechanical, chemical, scientific, medicinal or hygienic purposes, from a retail druggist, shall be in substantially the form of permits for the importation, or purchase, of alcohol, as hereinabove set forth, except that they shall not bear the license number, or contain the word "import."

Purchase permits form.

SEC. 7. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17d and to read as follows:

Section 17d. It shall be unlawful for any wholesale druggist licensed to import alcohol under the provisions of this act, to sell alcohol to any person other than a retail

Alcohol sales by wholesale druggists.

druggist, hospital or manufacturer licensed to purchase the same under the provisions of this act, or to sell or ship any alcohol to any such licensed retail druggist, hospital or manufacturer, without affixing in a conspicuous place on each package containing the alcohol so sold, an original permit, issued by a county auditor as in this act provided, authorizing the purchase, or to sell or ship any quantity of alcohol in excess of that specified in the permit affixed to the package so sold or shipped, or to deliver to the purchaser any package of alcohol sold without defacing and cancelling the original permit affixed thereto so that the same cannot be used again, and receiving the duplicate permit, of like number, date and tenor as the original, signed by the purchaser: *Provided*, That nothing herein contained shall be construed to prohibit a wholesale druggist from selling alcohol for export and shipping the same to a place outside the state, and it shall be unlawful for any common carrier or person engaged in the business of transporting goods, wares and merchandise to knowingly transport for delivery in this state any intoxicating liquor other than alcohol or any alcohol, without having an original permit, issued by a county auditor, as in this act provided, authorizing the transportation thereof, affixed in a conspicuous place on the package containing such intoxicating liquor or alcohol, or to knowingly transport intoxicating liquor of any other kind than, or any quantity of intoxicating liquor or alcohol in excess of, that specified in the permit affixed to the package so transported, or to deliver such package of intoxicating liquor or alcohol, to any other person than a forwarding common carrier or the consignee named in the permit affixed to such package, or to deliver such package to the consignee, without defacing and cancelling the original permit affixed thereto so that the same cannot be used again and receiving the duplicate permit, of like number, date and tenor, as the original, signed by the consignee, and it shall be unlawful for any person, other than a forwarding com-

Transportation and delivery by common carriers.

mon carirer, to knowingly receive from any common carrier or person engaged in the business of transporting goods, wares and merchandise, any intoxicating liquor other than alcohol or any alcohol, without the package containing the same has affixed thereto, in a conspicuous place, the original permit for the transportation thereof properly defaced and cancelled, or without delivering the duplicate permit signed by the consignee named therein, or for any other person than the consignee named therein to sign and deliver such duplicate permit. It shall be the duty of every wholesale druggist and of every common carrier to keep on file all duplicate permits for the importation or purchase, and transportation, of alcohol or intoxicating liquor, received upon the delivery thereof to the consignee, and such duplicate permits shall be open to inspection by any prosecuting attorney, city attorney, justice of the peace, sheriff, constable, marshal, police officer, mayor or commissioner of any city or town, or member of a city or town council. It shall be unlawful for any wholesale druggist or pharmacist, or common carrier, or any other person, to destroy, mutilate or in any way alter any such duplicate permit, or to permit or procure the same to be destroyed, mutilated or altered, or to refuse inspection thereof to any person entitled to such inspection.

Druggists and carriers to keep duplicate permits on file.

SEC. 8. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17e and to read as follows:

Section 17e. It shall be unlawful for any county auditor, deputy county auditor or other person, to issue a permit for the importation or purchase, and transportation of alcohol, or intoxicating liquor for sacramental purposes, except upon and in accordance with the terms of a license duly issued authorizing the issuance of such permit except permits for the purchase of alcohol for mechanical, chemical, scientific, medicinal or hygienic purposes, from a retail druggist, as herein above provided.

Issuance of permits, when unlawful.

SEC. 9. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17f and to read as follows:

False statements in application to county auditor.

Section 17f. It shall be unlawful for any person to wilfully make any false statement in any application filed with any county auditor for the purpose of obtaining a permit to import or purchase, and transport alcohol, or intoxicating liquor for sacramental purposes, or to sign any other than his true name upon any such application, or upon any duplicate permit for the importation or purchase, and transportation of alcohol, or intoxicating liquor for sacramental purposes, for the purpose of obtaining any shipment thereof from a common carrier, or any purchase of alcohol from a wholesale or retail druggist, and every person convicted of a violation of any of the provisions of this section shall be guilty of a felony.

Penalty.

SEC. 10. That said initiative measure No. 3 be amended by adding a new section thereto to be known as section 17g and to read as follows:

False statements to physicians.

Section 17g. It shall be unlawful for any person to make any false statement to a physician for the purpose of obtaining alcohol.

SEC. 11. That said initiative measure No. 3 be amended by adding thereto a new section to be known as section 17h and to read as follows:

Possession of intoxicating liquor unlawful.

Section 17h. It shall be unlawful for any person other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, to receive from any common carrier or person engaged in the business of transporting goods, wares and merchandise, any intoxicating liquor other than alcohol and it shall be unlawful for any person other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, to have in his possession any intoxicating liquor other than alcohol.

Unlawful sales.

Any person who opens up, conducts or maintains, either as principal or agent, any place for the unlawful

sale of intoxicating liquor, be and hereby is defined to be a "jointist." Any person who carries about with him intoxicating liquor for the purpose of the unlawful sale of the same be and hereby is defined to be a "bootlegger." Any person convicted of being either a "jointist" or "bootlegger" as herein defined shall be deemed guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.

Jointist and bootlegger defined.

Penalty.

A violation of any of the provisions of this section shall constitute a separate, substantive offense irrespective of any other provisions of this act.

SEC. 12. That section 23 of said initiative measure No. 3 be amended to read as follows:

Section 23. In any prosecution for the violation of any provision of this act, it shall be competent to prove that any person, other than a regularly ordained clergyman, priest or rabbi actually engaged in ministering to a religious congregation, had in his possession any intoxicating liquor other than alcohol, and such possession and proof thereof shall be *prima facie* evidence that said liquor was so held and kept for the purposes of unlawful sale or disposition.

Prosecutions.

Prima facie evidence.

SEC. 13. That sections 15, 16, 18, 19, 20, 21, 22, and 29 of initiative measure No. 3 are hereby repealed.

Repealing clause.

SEC. 14. That section 31 of said initiative measure No. 3 be amended to read as follows:

Section 31. Every person convicted of a violation of any provision of this act, for which the punishment is not specifically prescribed, shall be punished by a fine of not less than ninety-nine nor more than two hundred fifty dollars, or by imprisonment in the county jail for not less than thirty nor more than ninety days, or by both such fine and imprisonment, and every justice of the peace before whom such conviction is had shall have jurisdiction to impose any punishment in this section prescribed.

Penalty where not otherwise prescribed.

Jurisdiction of justice of peace.

SEC. 15. That section 32 of said initiative measure No. 3 be amended to read as follows:

Section 32. Every person convicted the second time of a violation of any provision of this act, for which the

Penalty for subsequent convictions.

punishment is not specifically prescribed, shall be punished by a fine of not less than two hundred nor more than five hundred dollars and by imprisonment in the county jail for not less than thirty days nor more than six months and every person convicted the third time of a violation of any provision of this act shall, for such third and each subsequent conviction, be punished by imprisonment in the penitentiary for not less than one nor more than five years. Every prosecuting attorney, and every justice of the peace, having knowledge of any previous conviction or convictions of any person accused of violating this act, shall in preparing a complaint, information or indictment, for subsequent offenses, allege such previous conviction or convictions therein, and a certified transcript from the docket of any justice of the peace, or a copy of the record of any court of record, certified by the clerk thereof under the seal of the court, shall be sufficient evidence and proof of such previous conviction or convictions.

Evidence
of prior
convictions.

SEC. 16. Nothing in this act shall be construed to prohibit a registered druggist or pharmacist, at any time within ten days after this act shall take effect, from removing from or shipping out of the state any intoxicating liquors in his possession at the time this act takes effect, and no permit for such removal or shipment shall be required.

Time
allowed
for removal
of liquors.

Passed the House, February 5, 1917.

Passed the Senate, February 14, 1917.

Approved by the Governor February 19, 1917.

CHAPTER 20.

[H. B. 29.]

STATE NAUTICAL SCHOOL.

AN ACT providing for a state nautical school and for the government and maintenance thereof.

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

SECTION 1. There is hereby established at the port of Seattle, in the State of Washington, a nautical school to be known as the "Washington State Nautical School" for the instruction of youths in navigation.

Establishment.

SEC. 2. There shall be, and there hereby is, created a board of commissioners of said nautical school to be known as the "Nautical School Board." Said board shall consist of three citizens of the State of Washington and, with the exception of two members of the first board appointed, they shall be severally appointed for a term of three years. The members of said board shall be appointed by the governor of the State of Washington and the term of the members of the first board shall begin on the fifteenth day of June, 1917. In appointing members of the first board the governor shall fix the term of the members so appointed as follows: One member for one year, one member for two years and one member for three years, and shall designate the terms to be filled by such appointees, respectively. Before the first day of June, annually thereafter, the governor shall appoint one commissioner for a term of three years. If at any time there shall occur a vacancy on said board the governor shall appoint a commissioner or commissioners to fill such unexpired term or terms. The members of said board may be removed at the will of the governor. The members of said board shall serve without compensation, but they shall be reimbursed by the state for all necessary expenses actually incurred by them in the performance of their official duties.

Nautical School Board.

Commissioners, appointment and tenure.

Reimbursement for expenses.

SEC. 3. Said board shall provide and maintain a nautical school for the instruction and training of youths,

Instructors, employees and pupils.

bona fide residents of the various counties of Washington, in the science and practice of navigation, shall provide accommodations for the school on board a proper vessel, purchase and provide books, stationery, apparatus and supplies needed in the work of the school, appoint and remove a superintendent and instructors and other necessary employees, determine their number and compensation, fix the terms and conditions upon which pupils shall be received and instructed in the school and be discharged or dismissed therefrom, establish all regulations necessary for its proper management and from time to time provide for cruises in and from the port of Seattle: *Provided, further,* That youths, residents of other states may be admitted under such terms and conditions as the nautical school board may prescribe.

Application
to United
States for
vessels and
naval
instructors.

SEC. 4. Said board shall receive from the United States government, and use for the accommodation of the school, such vessels as the secretary of the navy may detail thereto and the governor is hereby authorized and directed to make application in writing to the secretary of the navy for a suitable vessel of the navy for the use of said school and to make application in writing to the president of the United States for the detailing of proper officers of the navy as instructors in such school.

Expenditures
by board.

SEC. 5. Said board may expend annually such sum as the legislature may appropriate therefor; and such other monies as may be received from the federal government. No money shall be expended except under proper vouchers duly certified by the superintendent and approved by the board, except as follows: The treasurer of the State of Washington shall, from time to time, advance to the commanding officer of the vessel detailed for making cruises for such school, such sums, from the current appropriation for such school, as said board may by resolution require for such cruises, not to exceed \$10,000 for six months, which advances shall be accounted for by properly approved voucher within thirty days after the termination of each such cruise: *Provided,* That such

commanding officer shall, before any such advancement is made, give a bond to the State of Washington in the sum of \$10,000 with surety approved by the governor: *Provided, further,* That in case surety bond is given, the premium therefor shall be paid by the state treasurer out of the appropriation provided for said school.

Bond of commanding officer.

SEC. 6. Said board shall biennially, on the first day of December, immediately preceding the convening of the legislature, submit to the governor a report in writing of the affairs and conditions of said school, which report shall be accompanied by a detailed statement of all monies expended by said school during the biennium covered by said report, together with an estimate of the amount necessary for the support of said school during the biennium commencing on the first day of April next succeeding the date of such report.

Biennial reports to legislature.

Passed the House January 25, 1917.

Passed the Senate February 14, 1917.

Approved by the Governor February 26, 1917.

CHAPTER 21.

[H. B. 105.]

REGULATING HIGH SCHOOL ATTENDANCE BY PUPILS OF OTHER DISTRICTS.

AN ACT relating to the attendance of high school pupils from non-high school districts and providing for the reimbursement of certain school districts for the cost of educating high school pupils from other school districts, creating two classes of school districts for such purpose, providing for a fund and plan of taxation for such reimbursement, fixing requirements for admission to certain high schools, and giving boards of directors, power to arrange and pay for transportation of pupils for the purposes of this act.

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

SECTION 1. For the purposes of this act all school districts in the State of Washington shall be and the same

Division of school districts.

are hereby divided into two divisions to be known and designated respectively as high school districts and non-high school districts.

Classification of districts.

SEC. 2. The state board of education is hereby empowered, and it shall be the duty of said board, to prescribe rules and regulations governing the classification of school districts as high school districts and non-high school districts and to classify school districts in accordance with such rules and regulations: *Provided*, That any school district which shall, at the time this act goes into effect, maintain a two year high school course shall by such fact be temporarily classified as a high school district. Any high school district shall be removed from such classification by the state board of education at any time when it shall fail to comply with the rules and requirements of such schools, or when such district shall fail to advance its high school to a four year course within two years from the time of its classification: *Provided further*, That for good and sufficient reasons the state board of education may grant one or more extensions of time for establishing such four year course.

List of high school districts to be certified to county superintendent.

SEC. 3. The state board of education shall, within thirty days from the time this act goes into effect, provide each county superintendent of schools in the state with a copy of the rules and requirements for the classification of districts as provided for in this act; and the said board shall, on or before the first day of July of each year, certify to the county superintendent of schools of each county in the state a complete list of all high school districts in his county.

County superintendent to certify list to county officers.

SEC. 4. The county superintendent of schools of each county shall, on or before the first day of September, certify to the county assessor, the county treasurer, the county auditor, and the board of county commissioners of his county, a complete list of all high school districts and all non-high school districts in his county.

School clerk's report.

SEC. 5. The clerk, or secretary, of every high school district, shall certify under oath, as a part of his annual

report to the county superintendent of schools to be made on or before the fifteenth day of July, as required by law, the following facts as nearly as the same can be ascertained: First, the name, post office address, county and number of school district if obtainable, of each non-resident high school pupil, not a resident of another high school district, enrolled in the high school, or high schools, of his district during the school year, with the days of attendance of each such non-resident high school pupil. Second, the cost per pupil per day of educating high school pupils for the school year in his district. For ascertaining such cost the following items of high school expenditure shall be used: Salaries of all high school teachers, supervisors, principals, special instructors, superintendent and assistants, janitors, clerks and secretaries, stenographers, and all other employees; fuel, light, water, power, telephones, textbooks, office expenses, janitors' supplies, freight, express, drayage, rents for high school purposes, upkeep of grounds, upkeep of shops and laboratories, all materials used in instruction, insurance, current ordinary repairs of every nature, inspection, promotion of health, and such other current expenditures as may be necessary to efficient operation of the high school, or high schools. Expenditures for real estate, construction of buildings, and for other permanent improvements and fixtures shall not be included in estimating high school expenditures for the purposes of this act. When any item shall, as a necessary result of organization, cover both grade and high school work, it shall be prorated, as nearly as practicable, by the clerk, or secretary.

Record of
non-resident
pupils.

Cost per
pupil, how
determined.

SEC. 6. The county superintendent of schools shall, after verifying such reports, certify, on or before the fifteenth day of August each year, to the county commissioners of his county and to the county commissioners of such other counties as any high school district of his county may have claims against under the provisions of this act, the amount of each such high school district claim for the cost of educating non-resident high school

Certifying
cost of
educating
non-resident
pupils.

Tax levy
against non-
high school
districts.

pupils, and such county commissioners are hereby authorized to levy and shall levy as a tax, not to exceed two mills, against all non-high school districts in their respective counties the aggregate amount, as certified to them by the county superintendent of schools, such levy to be made at the same time and in the same manner as other county levies for school purposes are made. In fixing the amount of any such claim by a high school district for educating non-resident high school pupils the county superintendent shall take the net difference between the cost per pupil per day of educating high school pupils in the given high school district and the apportionment per pupil per day to such high school district from the state current school fund and the county school tax as provided in section 4602, Remington & Ballinger's Annotated Codes and Statutes of Washington, such difference to be multiplied by the days of attendance of non-resident high school pupils in each case. Such amount, when ascertained and certified as provided in this act, shall constitute a valid claim against the high school district fund hereafter provided for in this act. The above tax shall be collected at the same time and in the same manner as other taxes are collected, and shall be segregated by the county treasurer into a fund which shall be designated as the high school district fund and which shall be used only for reimbursing high school districts for the cost of educating non-resident high school pupils whose legal residence shall be in a non-high school district.

High school
district fund.

Certificates
of amounts
due high
school
districts.

SEC. 7. The county superintendent of schools shall, on or before the first day of September, certify to the county treasurer the amounts due to each high school district in his county from the high school district fund, and also the amounts due to the high school district fund of other counties wherein high school districts may have educated pupils from non-high school districts of his county as certified by the county superintendent of schools of such county to the county commissioners of his county.

SEC. 8. At the time of apportioning funds to school districts the county treasurer shall transfer to the credit of each high school district the amount due such district from the high school district fund, or such prorated portion thereof as may be in such fund at the time. He shall at the same time transfer to the credit of the high school district fund of other counties such amounts, or prorated portions thereof as may be in the high school district fund of his county, as may be due the high school district fund of such other county as certified by the county superintendent of schools of his county.

Apportionment and transfer of funds by county treasurer.

SEC. 9. Every high school in the high school district shall admit all persons of school age who are residents of this state, and not residents of another high school district, carrying the grades for which they desire to enroll, upon presentation of satisfactory evidence of having completed in a creditable manner the state eighth grade course of study as prescribed by the state board of education: *Provided*, That nothing in this act shall be construed as affecting section 4484 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

Admission of non-resident pupils.

SEC. 10. The board of directors of a non-high school district is hereby empowered to provide and to pay for the transportation of high school pupils to the most available high school when, in their judgment, it shall be to the best interests of the district to do so. Such board is hereby further empowered to enter into agreement with the board of directors of one or more school districts, whether high school districts or non-high school districts, to jointly provide and pay for the transportation of pupils upon such terms as they shall deem best: *Provided*, That it shall not be required to transport any pupil living within two miles of the school which such pupil attends: *Provided further*, That all such joint agreements for transporting pupils shall be duly executed in writing, the original to be filed with the county superintendent of schools and a copy thereof with each board of directors.

Payment for transportation of pupils

Joint agreements.

Reimburse-
ment not a
tuition
charge.

SEC. 11. The reimbursement of a high school district for cost of educating high school pupils for a non-high school district, as provided for in this act, shall not be deemed a tuition charge as affecting the apportionment of current state school funds provided for in section 4568 of Remington & Ballinger's Annotated Codes and Statutes of the State of Washington.

Passed the House February 5, 1917.

Passed the Senate February 14, 1917.

Approved by the Governor February 26, 1917.

CHAPTER 22.

[S. B. 38.]

VALUATION OF PROPERTIES OF INTERSTATE CARRIERS.

AN ACT relating to and making an appropriation for the public service commission, and declaring an emergency.

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

Appropriation, \$8,800.

SECTION 1. That the sum of eight thousand eight hundred dollars (\$8,800.00) or as much thereof as may be necessary, be and the same hereby is, appropriated from the general fund for the public service commission to enable such commission, in co-operation with the United States government in the valuation of properties of interstate carriers; to immediately enter upon a rate, traffic and switching charge study relating to common carriers operating in the state; to bring down to date valuations of railway properties heretofore made and to value other railway properties not heretofore valued.

Emergency.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate January 23, 1917.

Passed the House February 20, 1917.

Approved by the Governor February 27, 1917.

CHAPTER 23.

[H. B. 28.]

CANVASS OF VOTES ON MEASURES SUBMITTED TO
PEOPLE.

AN ACT relating to elections and the counting, canvassing and returning of votes cast upon constitutional amendments, measures recommending constitutional conventions and other questions.

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

SECTION 1. The votes on proposed amendments to the state constitution, recommendations for the calling of constitutional conventions and other questions submitted to the people shall, unless otherwise provided by law, be counted, canvassed and returned by the regular precinct election officers and by the county auditors and canvassing boards in the manner provided by law for counting, canvassing and returning votes for candidates for state offices. It shall be the duty of the secretary of state in the presence of the governor, within thirty days after any such election, to canvass the votes upon each question and certify to the governor the result thereof, and the governor shall forthwith issue his proclamation giving the whole number of votes cast in the state for and against such measure and declaring the result.

Canvass,
how
conducted.

Proclamation
by governor.

Passed the House January 18, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor February 27, 1917.

CHAPTER 24.

[H. B. 83.]

RE-APPROPRIATION FOR CERTAIN PUBLIC HIGHWAYS.

AN ACT re-appropriating certain sums from the public highway fund for the purpose of constructing and maintaining certain highways that have been established and constructed, and declaring an emergency.

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

SECTION 1. That the sum of one hundred twenty seven thousand two hundred forty-nine dollars and fifty-eight cents (\$127,249.58), or so much thereof as may be necessary, be, and the same is hereby re-appropriated from the public highway fund for completing and maintaining work already under contract and construction on certain state roads hereinafter mentioned, the same being the unexpended balance of certain existing appropriations as shown by the state auditor's books on January 19th, 1917, said respective balances being re-appropriated as follows:

Appropriation,
\$127,249.58.

Central Washington highway, Ritzville north- erly	\$6,447.45
Inland Empire highway, Kennewick westerly..	1,736.67
Inland Empire highway, Colville south.....	3,074.87
Walla Walla northeasterly.....	3,436.34
McClellan Pass highway, Enumclaw to Summit	18,329.56
National Park highway, Nemah to ocean.....	26,893.64
Olympic highway, near Lake Quiniault.....	3,783.14
Olympic highway, Shelton to Quilcene.....	5,552.12
Pacific highway, Toledo to Vancouver.....	6,931.00
Pacific highway, Renton to Kent.....	21,775.40
Sunset highway, North Bend to Cle Elum.....	17,171.88
Sunset highway, Ellensburg to Wenatchee....	3,540.91
State road No. 8, Skamania county.....	2,109.55
State road No. 10, Chelan county.....	6,467.05

Provided, however, That the separate amounts above stated together with the amount expended, shall not exceed the original appropriation made in 1915 for said purposes.

SEC. 2. This act is necessary for the immediate pres- Emergency.
 ervation of public safety and the support of the existing
 institutions of the state and shall take effect immediately.

Passed the House January 25, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor February 27, 1917.

CHAPTER 25.

[H. B. 112.]

ASSESSMENT OF RAILROAD OPERATING PROPERTIES.

AN ACT relating to the assessment of railroads and amending
 section 9151 of Remington & Ballinger's Code.

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

SECTION 1. That section 9151 of Remington & Bal-
 linger's Code be and the same is hereby amended to read
 as follows:

Section 9151. On the completion of the equalization
 of the property of the railroad companies and other prop-
 erty in the state, by the state board of equalization it
 shall be the duty of the state board of equalization, to
 apportion the value of the operating properties of such
 railroad, to the county or counties through or into which
 the lines thereof may extend, according to the classifica-
 tion and value thereof, in such proportion to the entire
 value thereof, as the length of the line in each county
 may bear to the entire length of line within the state, which
 valuation, together with a description of the railroad
 property assessed, giving the name of the company and
 the length of line in said county, shall be certified by said
 board, to the county assessor of the proper county. The
 county assessor shall in like manner distribute the value
 so certified to him, to the several cities, towns, road dis-
 tricts, school districts and other taxing districts, in his
 county, entitled to a proportionate value of the operating

Apportion-
 ment to
 counties.

Distribution
 of value by
 county
 assessor.

property of such railroad; and each assessment so apportioned shall be placed upon the tax-rolls of said county, and the taxes extended against the same, as against other property in said county, cities, towns, school, road, and other taxing districts.

Passed the House February 5, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor February 27, 1917.

CHAPTER 26.

[H. B. 113.]

ASSESSMENT OF TELEGRAPH COMPANIES.

AN ACT relating to the assessment of telegraph companies and amending section 9181 of Remington & Ballinger's Code.

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

SECTION 1. That section 9181 of Remington & Ballinger's Code be and the same is hereby amended to read as follows:

Section 9181. Upon the completion of the equalization of the property of the telegraph companies and other property in the state by the state board of equalization, it shall be the duty of the state board of equalization to apportion the value of the properties of such telegraph companies to the county or counties through or into which the lines thereof may extend according to the value thereof in such proportion to the entire value as the length of the line in each county may bear to the entire length of line within the state computed on a wire mileage basis, which valuation, together with a description of the property assessed, giving the name of the company, the length of line and wire mileage in said county, shall be certified by said board to the county assessor of the proper county. The county assessor shall in like manner distribute the value so certified by him to the several cities, towns, road

Apportionment to counties.

Distribution of value by county assessor.

districts, school districts, and other taxing districts in his county entitled to a proportionate value thereof, and each assessment so apportioned shall be placed upon the tax-rolls of said county, and the taxes extended against the same as against other property in said county, cities, towns, school, road and other taxing districts.

Passed the House February 5, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor February 27, 1917.

CHAPTER 27.

[H. B. 123.]

DEFICIENCY APPROPRIATION FOR AUTOMOBILE DEPARTMENT OF SECRETARY OF STATE.

AN ACT making an appropriation for the automobile department of the secretary of state, and providing when this act shall take effect.

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

SECTION 1. There is hereby appropriated out of the general fund seventeen thousand four hundred eighty-five and 58/100 dollars (\$17,485.58), or so much thereof as may be necessary for the use of the automobile department of the secretary of state for the purchase of number plates of autos, trucks and motorcycles, deputy, clerk hire, traveling expenses, supplies, postage and incidentals.

Appropriation,
\$17,485.58.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 5, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor February 27, 1917.

CHAPTER 28.

[H. B. 117.]

MEDICAL AID AND COMPENSATION TO INJURED WORKMEN.

AN ACT relating to the compensation and to the medical, surgical and hospital care of injured workmen, creating a medical aid fund by enforced contributions thereto by employers and workmen, providing for the distribution thereof for the expense of such care, making an appropriation out of such fund, providing penalties for the violation of this act, amending sections 6604-5, 6604-7, 6604-8, 6604-13 and 6604-18 of Remington & Ballinger's Codes and Statutes of Washington, and amending section 6604 of Remington & Ballinger's Codes and Statutes of Washington by adding thereto new sections numbered 6604-33, 6604-34, 6604-35, 6604-36, 6604-37, 6604-38, 6604-39, 6604-40, 6604-41, 6604-42, 6604-43, 6604-44, 6604-45 and 6604-46.

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

SECTION 1. That section 6604-5 of Remington & Ballinger's Codes and Statutes of Washington as amended by section 2 of chapter 188 of the Session Laws of 1915 be amended to read as follows:

Section 6604-5. *Schedule of Awards.* — Each workman who shall be injured whether upon the premises or at the plant, or, he being in the course of his employment, away from the plant of his employer, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

(a) Where death results from the injury the expenses of burial shall be paid in all cases, not to exceed seventy-five dollars (\$75.00) in any case, and

(1) If the workman leaves a widow or invalid widower, a monthly payment of twenty dollars (\$20.00) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall

Burial expenses.

Pension to widow or widower.

occur, and the surviving spouse shall also receive five dollars (\$5.00) per month for each child of the deceased under the age of sixteen years at the time of the occurrence of the injury until such minor child shall reach the age of sixteen years, but the total monthly payment under this paragraph (1) of subdivision (a) shall not exceed thirty-five dollars (\$35.00). Upon remarriage of a widow she shall receive once and for all, a lump sum equal to twelve times her monthly allowance, viz.: the sum of two hundred forty dollars (\$240.00), but the monthly payment for the child or children shall continue as before.

Remarriage
of widow.

(2) If the workman leaves no wife or husband, but a child or children under the age of sixteen years, a monthly payment of ten dollars (\$10.00) shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed thirty-five dollars (\$35.00), and any deficit shall be deducted proportionately among the beneficiaries.

Pension to
minor
children.

(3) If the workman leaves no widow, widower, or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed twenty dollars (\$20.00) per month. If any dependent is under the age of sixteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Payments to
dependents.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty dollars (\$20.00) per month for each month after his death until

Payment to
parents.

the time at which he would have arrived at the age of twenty-one years.

Payment to minor children on death of surviving spouse.

(4) In the event a surviving spouse receiving monthly payment shall die, leaving a child or children under the age of sixteen years, the sum he or she shall be receiving on account of such child or children shall be thereafter, until such child shall arrive at the age of sixteen years, paid to the child increased 100 per cent, but the total to all children shall not exceed the sum of thirty-five dollars (\$35.00) per month.

Permanent total disability defined.

(b) Permanent total disability means the loss of both legs, or arms, of one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

Awards for permanent total disability.

(1) If unmarried at the time of the injury, the sum of twenty dollars (\$20.00).

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of twenty-five dollars (\$25.00). If the husband is not an invalid, the monthly payment of twenty-five dollars (\$25.00) shall be reduced to fifteen dollars (\$15.00).

(3) If the workman have a wife or husband and a child or children under the age of sixteen years, or, being a widow or widower, having any such child or children, the monthly payment provided in the preceding paragraph shall be increased by five dollars (\$5.00) for each such child until such child shall arrive at the age of sixteen years, but the total monthly payment shall not exceed thirty-five [dollars] (\$35.00).

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of a constant attendant, the monthly payment to such workman shall be increased twenty dollars (\$20.00) per month so

long as such requirement shall continue, but such increase shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 6604-33 to 6604-46 inclusive.

(c) If the injured workman die, during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child under the age of sixteen years, the surviving widow or invalid widower shall receive twenty dollars (\$20.00) per month until death or remarriage, to be increased five dollars (\$5.00) per month for each child under the age of sixteen years until such child shall arrive at the age of sixteen years; but if such child is or shall be without father or mother, such child shall receive ten dollars (\$10.00) per month until arriving at the age of sixteen years. The total combined monthly payment under this paragraph shall in no case exceed thirty-five dollars (\$35.00). Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Pensions in case of death during permanent total disability.

(d) When the total disability is only temporary, the schedule of payment contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply so long as the total disability shall continue, increased fifty per cent for the first six months of such continuance, but in no case shall the increase operate to make the monthly payment exceed sixty per cent of the monthly wage (the daily wage multiplied by twenty-six) the workman was receiving at the time of his injury. As soon as recovery is so completed that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

Temporary total disability payments.

(e) There is hereby created in the office of the state treasurer a fund for each of the classes specified in section

Reserve funds created for each class.

4. to be known and designated as the reserve fund for that class, out of which shall be made the payments specified in this section for all cases of death or permanent total disability arising in that class, including future payments to be made for cases of that character which have heretofore arisen. Into the reserve fund for each class there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases in that class. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the department to forthwith notify the state treasurer and he shall transfer from the accident fund of the proper class to the reserve fund of that class a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of four (4) per cent per annum. The state treasurer shall invest the reserve for each class in either state capitol building bonds issued to take up capitol building warrants now outstanding, or in the class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the reserve fund of each class shall become a part of the reserve fund itself. As soon as possible after October 1st, of each year beginning in the year 1918, the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of October 1st, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the state treasurer. If the report show that there was on said October 1st, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstand-

investment
of funds by
state
treasurer.

Insurance
commis-
sioner to
expert re-
serve funds.

ing pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report show the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The state treasurer shall keep accurate account of each class reserve fund and the investment and earnings thereof, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to any class reserve fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments or, if necessary, sales of the same.

Duties of treasurer.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Permanent partial disability defined.

Schedule of compensation.

Loss of one leg amputated so near the hip that an artificial limb cannot be worn.....	\$2,000.00
Loss of one leg at or above the knee so that an artificial limb can be worn.....	\$1,900.00
Loss of one leg below the knee.....	\$1,300.00
Loss of the major arm at or above the elbow....	\$1,900.00
Loss of the major hand at wrist.....	\$1,600.00
Loss of one eye by enucleation.....	\$1,200.00
Loss of sight of one eye.....	\$ 900.00
Complete loss of hearing in both ears.....	\$1,900.00
Complete loss of hearing in one ear.....	\$ 500.00

Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that permanent partial disability above specified which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of two thousand dollars (\$2,000.00). If the injured workman be under the age

Award to parents of minor.

of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded the minor workman.

Compensation in case of future accident of injured workman.

(g) Should a further accident occur to a workman already receiving a monthly payment under this section for a temporary disability, or who has been previously the recipient of a lump sum payment under this act, his future compensation shall be adjudged according to the other provisions of this section and with regard to the combined effect of his injuries, and his past receipt of money under this act.

Readjustment of compensation.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the department may, upon the application of the beneficiary or upon its own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment.

Abandoned spouse not a beneficiary.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act.

Removal from state, conversion of payments.

(j) If a beneficiary shall reside or remove out of the state the department may, in its discretion, convert any monthly payments provided for such case into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum of \$4,000.00) or, with the consent of the beneficiary, for a smaller sum.

Venue for court review.

(k) Any court review under this section shall be initiated in the county where the workman resides or resided at the time of the injury, or in which the injury occurred.

Compensation for week following injury.

(l) No workman injured after June 30th, 1917, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which his in-

jury was received or the seven days following the same, but if at the end of thirty days following the day of the receipt of his injury his incapacity shall still exist, there shall be included in the next payment to him out of the accident fund compensation for said omitted period.

SEC. 2. That section 6604-8 of Remington & Ballinger's Codes and Statutes of Washington, as amended by section 3 of chapter 188 of the Session Laws of 1915 be amended to read as follows:

Section 6604-8. If any employer shall default in any payment to the accident fund or to the medical aid fund, the sum due shall be collected by action at law in the name of the state as plaintiff. If such default be after demand, there shall also be collected a penalty equal to twenty-five per centum of the amount of the defaulted payment or payments, and the commission may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to their satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, conditioned for the prompt and punctual making of all payments into said funds required during said year period, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state in an action brought by the attorney general in its name shall be entitled to an injunction restraining such delinquent from prosecuting any extra hazardous occupation or work until such bond shall be furnished, and any sale, transfer or lease attempted to be made by such delinquent during the period of such default of his works, plant or lease thereto shall be invalid until all past delinquencies are made good and such bond furnished.

Defaults in payment to accident fund.

Security bond may be required.

Injunction against continuing or transferring business.

SEC. 3. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington,

known as the workmen's compensation act, be further amended by adding thereto the following:

Classifica-
tion of
industries by
medical aid
board.

Section 6604-33. It is the intent to require the industries of the state to furnish medical, surgical and hospital care to their injured workmen and to place the expense thereof upon each industry and upon each establishment in each industry as near as may be in the proportion in which it produces injury and creates expense. To this end the state medical aid board hereinafter created shall divide the industries of the state into five classes representing five degrees in the causation of injury and consequent expense for the medical, surgical and hospital care thereof, the said classes to be designated respectively, class A, class B, class C, class D, class E. The industries shall be distributed into these classes as follows: In class C those industries which produce nearest the average degree of causation and expense, in class A, those which produce nearest one-half of such average, in class B those which produce nearest three-fourths of such average, in class D those which produce nearest one and one-fourth times such average, in class E those which produce nearest one and one-half times such average. The state medical aid board shall have the power to make corrections of classifications as between classes of industries if and as experience shall show error or inaccuracy therein, and, under and conformably to the foregoing rule of classification, to lower the classification of any establishment or plant if and as experience shall show it to maintain such a high standing of safety or accident prevention as to differentiate it from other like establishments or plants, or to raise the classification of any establishment or plant if and as experience shall show it to maintain so low a standard of safety or accident prevention as to justly warrant its being subjected to a greater contribution to the medical aid fund. From the original classification or any change made therein any employer or workman claiming to be aggrieved may upon application, have a hearing before the state medical aid board upon notice to the interested

parties and in the manner provided in section 6604-20, a review by the courts. The body of interested workmen may designate in writing in duplicate, one of them to be the recipient of service upon all of them, one copy to be posted for local convenience, and the other to be filed with the secretary of the state medical aid board. In default of any such designation, service upon any one workman other than the one instituting a complaint shall be service upon all.

SEC. 4. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington shall be further amended by adding thereto the following:

Section 6604-34. A fund is hereby created in the state treasury to be known as the medical aid fund. Into it shall be paid by each employer on or before the 15th day of June, 1917, and on or before the fifteenth day of each month thereafter for each day's work or fraction thereof done for him in extra hazardous employment in or during the preceding calendar month the following amount, towit: In class A one cent, in class B one and one-half cents, in class C two cents, in class D two and one-half cents and in class E three cents. Such monthly payments may be omitted for and during any month or months if the state medical aid board shall certify that the accumulated fund is sufficient to permit such omission. Any monthly payment may be increased by the state medical aid board if they find, and to the extent to which they find the fund on hand, together with the current payments, will be insufficient to meet the anticipated demands thereon for the ensuing month. Notice of any such increase shall be mailed to each employer at least twenty days prior to the due date of payment, and shall be communicated by the employer to his employees. The employer shall deduct from the pay of each of his workmen engaged in extra hazardous work one-half of the amount the employer is required by the foregoing provision of this section to pay into said fund for or on account of the employment of such workman. The collection of the payments in this sec-

Medical aid
fund
created.

Rate of
payments
into fund.

tion provided for, and the keeping of accounts of collection and disbursement, and the machinery of disbursement, shall be in the hands and within the powers and duties of the state industrial insurance commission, and the expense of such bookkeeping, collection, necessary auditing and investigation of payrolls, and of the machinery of actual disbursement of money out of said medical aid fund, including the printing expenses of the state medical aid board, shall be paid out of the administration fund of said commission. The files and records of the industrial insurance department and those of the state medical aid board shall be subject to the reasonable use thereof by the other body, and the industrial insurance department shall furnish the state medical aid board all data available to the department required by the state board.

SEC. 5. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-35. Upon the occurrence, after June 30, 1917, of any injury to a workman entitled to compensation under the provisions of said section 6604, other than section 6604-19, thereof, he shall receive in addition to such compensation, and out of the medical aid fund, proper and necessary medical and surgical services, at the hands of a physician of his own choice if conveniently located and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows: In case of permanent partial disability not to extend beyond the date when compensation shall be awarded him out of the accident fund, in case of temporary disability not to extend beyond the time when the monthly allowances to him out of the accident fund shall cease, in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll. When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall

Medical and surgical aid, hospital care and transportation.

at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. A workman whose injury is of such short duration as to bring him within the provisions of subdivision 1 of section 6604-5 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this section.

SEC. 6. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-36. A board is hereby created to be known as the state medical aid board, hereinafter designated as the state board, which shall have power and whose duty it shall be to from time to time establish and promulgate printed forms, rules, regulations and practices for the furnishing of such care, treatment and services to workmen. Such rules, regulations and practices may vary between the different localities and industries, but shall be in accordance with the rule established in section 6604-33, and with the principle that the injured workman shall have the most prompt and efficient care and treatment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse [divers] surrounding circumstances and locations of industries will permit. The state board shall make and from time to time change as may be, and shall promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist or other agency or person rendering services to injured workmen. No service covered by such fee bill shall be charged for or paid out of the medical aid fund at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess. Any interested employer or workman may complain to the state board against any such rule or regulation. A hearing shall be had on such complaint upon notice to the employer, and upon the employees in the

State
medical
aid board
created.

Power to
make rules.

Appeals.

manner provided in section 6604-33, and from the decision an appeal will lie to the courts in the manner provided in section 6604-20.

SEC. 7. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-37. It shall not be the duty of the state board to administer said rules, regulations or practices, or the details thereof, and it shall have no supervisory power over such administration or details except as provided in section 6604-41. It shall be the duty of the chairman to certify all bills payable out of the medical aid fund, and he shall have power, subject to appeal to the courts in the manner provided in section 6604-20, to reject any bill or item incurred in violation of the principle laid down in section 6604-36, or of section 6604-39 relating to compensation and traveling expenses of members of local boards.

SEC. 8. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-38. The state board shall consist of three members as follows: The chief medical advisor of the state industrial insurance commission shall be *ex-officio* a member and chairman thereof. He shall be paid out of the medical aid fund a salary of one hundred and fifty dollars (\$150.00) per month and also his traveling expenses necessarily incurred in the performance of his duties. The other two members shall be appointed by the governor. Any state wide association of workmen whose organization purposes shall first include or be made to include the making of such nominations and whose membership is open to all classes of workmen engaged in extra hazardous work, may nominate to the governor two of its members, and one of said nominees shall be appointed by the governor, and his term of office shall be six years. Any association of employers, whose organization purposes shall include

Rules administered by local boards.

Membership of state board.

Ex-officio chairman.

Appointment of other members.

or be made to include the making of such nominations, and whose membership is open to employers of all classes engaged in extra hazardous work, or if there be more than one such association, a combination of them may nominate to the governor two of their members, and one of said nominees shall be appointed by the governor and his term of office shall be three years. After the expiration of said terms, and to fill vacancies, the same method of nomination and appointment shall obtain. After the expiration of said terms the term of office of each of the members, other than the *ex-officio* member, shall be six years. The governor shall notify the proper organizations in advance of any appointment. If nominations are not made within thirty days following such notification, the governor shall be free to make his own selection for the office, except that if there is a member other than the *ex-officio* member, who was appointed without precedent nomination, the new appointee must be of a political party other than that of the governor. Every member shall serve until his successor is appointed and qualified. Each member, other than the *ex-officio* member, shall receive as compensation the sum of ten dollars (\$10) for each day or part thereof not to exceed one hundred days in any calendar year on which he shall attend a meeting of the state board, and shall also receive his traveling expenses, all to be paid out of the medical aid fund upon voucher and audit, as required for other payments out of said fund. The action of a majority of the members shall be the action of the state board. The state board shall execute its powers in sessions to be held at the state capitol or at such other place or places as it may select and so often as it shall determine. Meetings may be called by any member upon not less than five days' notice given in writing to the other members, but previous notice of any meeting attended by all three members may be dispensed with.

Compensation.

Sessions of board.

The state board may employ and at will discharge, a secretary at a monthly salary to be fixed by them not exceeding two hundred (\$200.00) dollars, to be paid from

Secretary.

Salary and
duties.

the medical aid fund on voucher and audit. It shall be his duty to attend their meetings, keep a record of the proceedings thereat, keep on separate file all reports made to the board, and perform such other services as may be required by the rules or regulations or by directions given him. He shall keep his office in the office of the state industrial insurance commission. The absence of any member of the state board from any three consecutive regularly called meetings shall forthwith terminate his term of office and create a vacancy therein, unless such absence shall be due to his illness or shall be excused by resolution of the state board passed and entered of record at one of said three meetings.

Assistant to
chairman.

The state board may employ and at will discharge an assistant to the chairman who shall be a physician qualified to practice under the laws of the state. His duties shall be prescribed by the state board, and in addition to the duties so prescribed, he shall perform such other duties not inconsistent therewith as may be prescribed by the chairman of the state board. He shall devote to the performance of his said duties all of his time and attention each day during the office hours of the state industrial insurance department. He shall be paid out of the medical aid fund a monthly salary of two hundred and fifty dollars (\$250.00), together with his traveling expenses necessarily incurred in the performance of his duties. The state board shall have power to incur such expense, payable out of the medical aid fund for clerical assistance as they shall deem necessary, not to exceed the sum of three hundred fifty dollars (\$350.00) a month.

Salary.

SEC. 9. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Local aid
boards.

Section 6604-39. Subject always to the rules and regulations established and promulgated by the state board the administration of, care, treatment and services to injured workmen shall be in the hands of local boards to be designated by the name "local aid boards," and by con-

secutive numbers, each to have two members, one to be selected and removed at pleasure by a majority of the workmen coming under its jurisdiction, and one by a majority of the employers coming under its jurisdiction. In case of disagreement between the two the decision shall be made by the chairman of the state board or his assistant. The several local aid boards shall be distributed throughout the state by reference to such localities or industries as may be determined from time to time by the state board, such distribution to be made in conformity with the principles set forth in section 6604-36, and there shall be as many of them as experience shall show to be necessary or advisable for the proper and economical administration of the service. The third member shall act without added compensation. The other members shall serve without compensation out of any public fund so long as their pay continues from their employer. Otherwise each shall be paid out of the medical aid fund the sum of three dollars (\$3.00) per day or the fraction thereof spent by him in the performance of his duties under this section, and in addition thereto and in any event shall receive his traveling expenses, to be paid out of the medical aid fund upon voucher and audit. Any vacancy in any local board may be filled by the chairman of the state board, and such appointee shall hold office until his successor shall be elected in the manner provided in this section.

Selection of
members.

Compensa-
tion.

Vacancies.

SEC. 10. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-40. It shall be the duty of each local aid board to provide care and treatment for each workman injured after June 30, 1917, in extra hazardous employment, to report to the secretary of the state board the commencement of every disability, the termination of the same, the cause of the same, with recommendations for the improvement of the service and of the administration, and also, subject to the provisions of section 6604-37, certify to the state board all bills rendered for care or treatment

Duties of
local board.

of injured workmen, with power to reject any bill or item thereof incurred in violation of the principle laid down in section 6604-36.

SEC. 11. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Appeal from local to state board.

Section 6604-41. The injured workman, or anyone connected with his treatment, or any interested employer, may appeal from any contract made by, and decision rendered by or any practice or act of the local aid board to the state board. Any such appeal may be effected by written or telegraphic notice to the secretary of the state board. Except in cases of medical or surgical emergency, the hearing of such appeal shall be upon notice given by the secretary or any member of the state board to the workman under treatment, if there be one, or to some member of his family, to the employer or employers and employees interested. The notice to the employees may be given in the manner provided in section 6604-33. From a decision of the state board an appeal will lie to the courts as provided in section 6604-20, except that if the appellant prevails, the fees and costs allowed him in his favor shall be payable out of the medical aid fund. The question for decision by the state board or the courts shall be whether or not the matter complained of is violative of the principle laid down in section 6604-36.

Appeal to courts.

SEC. 12. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Liability of employer for misrepresentation.

Section 6604-42. Any employer who shall knowingly misrepresent the amount of contribution due from him to, or collected by him for the medical aid fund shall be liable to the state in civil action for the benefit of said fund in ten times the amount attempted to be concealed or withheld by such misrepresentation, and shall be also guilty of a misdemeanor.

Employer failing to report new works.

Any person, firm or corporation who not having previously reported to the secretary of the state board, shall

establish any new plant, or works, or enter upon the performance of any new building contract or construction contract and who shall fail to send written notice thereof to said secretary within five days after such establishing or entering shall be guilty of a misdemeanor.

SEC. 13. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-43. Where the state, county or municipality is employer or contractor for work, and in all cases of work done by private contract or subcontract, the amounts due the medical aid fund shall so far as practicable, be collectible by the method provided in section 6604-17.

Collection
against
state,
county, or
municipality.

SEC. 14. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-44. The state treasurer shall be liable on his official bond for the safe custody of the moneys of the medical aid fund. All the provisions of the act referred to in section 6604-26 shall be applied to said moneys and the handling thereof by the state treasurer.

Liability
of state
treasurer.

SEC. 15. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-45. Any contract made in violation of this act shall be invalid, except that any employer engaged in extra hazardous work may with the consent of a majority of his workmen, enter into written contracts for medical, surgical and hospital care to workmen injured in such employment by and under the control and administration of and at the direct expense of the employer and his workmen. Before any such contract shall go into effect it shall be submitted to the state board, and may be disapproved by the state board when found not to provide for such care of injured workmen as is contemplated by the provisions of section 6604-36. If so disapproved it shall not be valid. Otherwise it shall be approved and take and

Lieu
contracts
between em-
ployer and
workmen.

continue in effect for any period of time specified therein, not exceeding three years from the date of such approval. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employees, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the contract shall (except as in this section otherwise provided) be outside of and not affected by the provisions of sections 6604-33 to 6604-44, inclusive, and 6604-46, and the employer shall not be required to make the payments specified in section 6604-34, except that the employer shall pay monthly into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each. During the operation of any such contract any interested workman may complain to the state board that the service and care actually rendered thereunder are not up to the standard provided in section 6604-36, and if upon a hearing had upon notice to the employer and workmen interested thereunder, the state board shall sustain the complaint, it may make an order that the contract shall terminate unless the defect or deficiency complained of shall be remedied to its satisfaction within a period of time to be fixed in such order. Notice to the workmen may be effected in the manner provided in section 6604-33. The employer or any interested workman may appeal from such decision to the courts in the manner provided in section 6604-20. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the state board is reversed by the court. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party, or to the choice of any member of the local board having juris-

Complaints
by workmen,
hearings.

Assent to
contracts.

diction of the workmen in such employment, and of any contract then existing entered into by such local board.

SEC. 16. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-46. The provisions of section 6604-1 to 6604-32, inclusive, shall be applicable to the collection and disbursement of the medical aid fund, to the powers and duties of the state and local boards, and to the medical, surgical and hospital care of injured workmen only so far as they are not inconsistent with the provisions of the foregoing sections 6604-33 to 6604-45, inclusive.

Applicability
of compen-
sation act.

SEC. 17. That section 6604 [6604-1 *et seq.*] of Remington & Ballinger's Codes and Statutes of Washington be further amended by adding thereto the following:

Section 6604-47. It shall be unlawful for any employer to directly or indirectly demand or collect from any of his workmen any sum of money whatsoever for or on account of medical, surgical, hospital, or other treatment or transportation of injured workmen other than as specified in sections 6604-34 and 6604-45, and any employer who shall directly or indirectly violate the foregoing provisions of this section shall be liable to the state in civil action for the benefit of the medical aid fund in ten times the amount so demanded or collected, and such employer and every officer, agent, or servant of such employer knowingly participating therein shall also be guilty of a misdemeanor.

Liability for
illegal col-
lections for
medical aid.

SEC. 18. That section 6604-13 of Remington & Ballinger's Codes and Statutes of Washington, as amended by section 5 of chapter 188 of the Session Laws of 1915, be amended to read as follows:

Section 6604-13. Any workmen entitled to receive compensation under this act is required, if requested by the department, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to sub-

Medical
examination
of workman.

Effect of refusal to submit.

mit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period; or, if any injured workman shall persist in unsanitary or injurious practices, which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the commission may reduce or suspend the compensation of such workman. If the workman necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him out of the accident fund upon proper voucher and audit.

Traveling expenses of workman.

SEC. 19. That section 6604-18 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Act not applicable to interstate railroads.

Section 6604-18. Inasmuch as it has proved impossible in the case of employe[e]s engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employe[e]s with interests or foreign commerce from their connection with intrastate commerce, and such employe[e]s have, in fact, received no compensation under this act, the provisions of this act shall not apply to work performed in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employe[e]s engaged therein, but nothing herein shall be construed as excluding from the operation of this act railroad construction work, or the employe[e]s engaged thereon: *Provided, however,* That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the

Recovery of damages for injuries.

death of such employe[e] to his surviving wife and child, or children, and if no surviving wife or child or children, then to the parents, sisters, or minor brothers, residents of the United States at the time of such death and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employe[e]s injured while engaged in interstate commerce.

SEC. 20. If for any reason or for any cause the going of this act into effect or into actual operation shall be delayed or postponed beyond the 15th day of June, 1917, the dates in June, 1917, specified in section 6604-5, subdivision (1), 6604-34, 6604-35, 6604-40 and in section 21 shall be respectively read as and be of effect on the corresponding dates in the calendar month which is six months later than the calendar month in which occurs the removal or extinguishment of the reason or cause of such delay or postponement.

Postponing
time of
taking effect.

SEC. 21. The foregoing amendment of subdivision "f" of section 6604-5 shall apply only to permanent partial disabilities resulting from injuries, which injuries shall occur after June 30th, 1917.

When
amendment
applicable to
permanent
partial
disabilities.

SEC. 22. That section 6604-7 of Remington & Balinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-7. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump sum payment (not in any case to exceed \$4,000.00) equal or proportionate as the case may be to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversions may only be made after the happening of the injury and upon the written application of the beneficiary

Conversion
into lump
sum
payment.

(in case of minor children, the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the department and the beneficiary.

Passed the House February 15, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor, March 1, 1917.

CHAPTER 29.

[H. B. 1.]

WOMEN AND MINORS EMPLOYED IN TELEPHONE AND TELEGRAPH INDUSTRIES.

AN ACT relating to the hours and wages of minors in the telephone and telegraph industries in rural communities and cities of less than three thousand population, and amending chapter 68 of the Laws of 1915.

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

SECTION 1. That section 1 of chapter 68 of the Session Laws of 1915 be amended to read as follows:

Section 1. The industrial welfare commission is hereby authorized, in such manner as it shall deem advisable and upon notice and hearing to parties directly affected thereby, to ascertain and establish such standard of wages, hours of work, and conditions of labor of women and minors, employed in telephone and telegraph industries in rural communities and in cities of less than three thousand (3,000) population, as shall be found reasonable and not detrimental to the health and morals of such women and minors and which shall be sufficient for the decent maintenance of such women and minors, and notwithstanding any statute heretofore passed or regulation of such commission heretofore made relative thereto: *Provided*, That nothing in this act contained shall be construed to amend or repeal any law or any regulation relating to

Standard of
wages and
hours of
work.

Scope of act.

wages, hours of labor or condition of labor of women or minors excepting as in this act, authorized.

Passed the House January 25, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor March 1, 1917.

CHAPTER 30.

[H. B. 27.]

PUBLICATION OF INITIATIVE, REFERENDUM, AND CONSTITUTIONAL AMENDMENT PROPOSALS.

AN ACT relating to elections; the publication of initiative or referendum measures, constitutional amendments and measures recommending constitutional conventions; and amending section 4971-27 of Remington & Ballinger's Code.

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

SECTION 1. That section 4971-27 of Remington & Ballinger's Code be, and the same is, hereby amended to read as follows:

Section 4971-27. At least sixty days prior to any election at which any initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the serial designation and number, the ballot title, the legislative title, the full text of and the argument for and arguments against each such measure, including amendments to the constitution proposed by the legislature, to be submitted to the people in the foregoing order, and shall cause all of such measures to be printed and bound in a single pamphlet in the following order: First, those "Proposed by Initiative Petition"; second, those "Proposed to the People by the Legislature"; third, those "Proposed to the Legislature and Referred to the People"; fourth, those "Initiated by Petition and Alternative by the Legislature"; fifth, "Amendments to the Constitution Proposed by the Legislature"; and sixth "Measures Recom-

Proposals to be published in pamphlet form.

Order of measures.

Form and
style of
pamphlet.

mending Constitutional Conventions." The pages of such pamphlet shall be not larger than five and three-fourths by eight and three-fourths inches in size, and the outside measurement of the printed matter of each page shall be not less than four and one-half by seven and one-third inches, including running head, and shall be printed in eight-point roman-faced type, set solid in two columns, each thirteen ems pica to the line, separated by a pica slug, with appropriate headings. Said pamphlet shall be printed on No. 1 print paper weighing thirty-two pounds to the ream of sheets twenty-four by thirty-six inches. The cost of printing and binding such pamphlets shall be paid from the money appropriated for printing for the secretary of state: *Provided*, The increased cost of printing and binding such arguments shall be paid from the moneys deposited to cover the same and the balance of any such moneys, if any, and the moneys deposited for arguments not printed shall be returned to the persons depositing it respectively. Such number of pamphlets shall be printed as shall fill the requirements as to distribution hereinafter provided. It shall be the duty of the secretary of state to publish in such pamphlets a table of contents and a brief alphabetical index of subjects.

Payment
of cost of
printing.

Passed the House January 18, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor March 1, 1917.

CHAPTER 31.

[H. B. 49.]

DEDICATION OF STATE LAND TO PIERCE COUNTY.

AN ACT dedicating to Pierce county all the right, title and interest of the State of Washington in and to certain lands lying within sections thirty (30), and thirty-one (31), township twenty (20) north, range five (5) east of the W. M., Pierce county, Washington, for county poor farm purposes; and naming said island.

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

SECTION 1. That the following described lands, towit: Description
of land.

Beginning on the line between Secs. 30 and 31, township 20 north, range 5 east, W. M., at a point south 89 degrees 27' west, 1405.3 feet from the corner common to sections 29, 30, 31 and 32, said township and range; thence with the meanders of the island in section 30, north 0 degree 50' west, 106.6 feet; thence north 11 degrees 59' east, 121 feet; thence north 14 degrees 29' east, 113.6 feet; thence north 18 degrees 33' east, 84.9 feet; thence north 11 degrees 4' east, 88.6 feet; thence north 26 degrees 19' east, 51 feet; thence north 9 degrees 28' east, 107.7 feet; thence north 4 degrees 20' east, 85.5 feet; thence north 5 degrees 17' west, 80.6 feet; thence north 18 degrees 14' west, 82.7 feet; thence north 24 degrees 55' west, 157.6 feet; thence north 34 degrees 57' west, 133.7 feet; thence north 47 degrees 49' west, 102.9 feet; thence north 61 degrees 56' west, 113.6 feet; thence north 76 degrees 46' west, 93.5 feet; thence south 11 degrees 00' east, 62.8 feet; thence south 1 degree 22' west, 94.4 feet; thence south 41 degrees 32' west, 99 feet; thence south 29 degrees 28' west, 135.9 feet; thence south 17 degrees 18' west, 90.7 feet; thence south 1 degree 51' east, 116.9 feet; thence south 9 degrees 37' east, 170.7 feet; thence south 1 degree 09' west, 105.8 feet; thence south 8 degrees 03' east, 95.1 feet; thence south 2 degrees 04' west, 98.5 feet; thence south 11 degrees 06' west, 88.7 feet; thence south 21 degrees, 46' west, 86.6 feet; thence south 44 degrees 26' west, 72.1 feet; thence south 31 degrees 14'

west, 73 feet to the line between sections 30 and 31, at a point north 89 degrees 27' east, 769.6 feet from the quarter section corner between said sections 30 and 31; thence in section 31 continuing south 31 degrees 14' west, 13.6 feet; thence south 23 degrees 47' west, 121.8 feet; thence south 16 degrees 37' west, 129.2 feet; thence south 12 degrees 01' west, 116.8 feet; thence south 15 degrees 38' west, 150 feet; thence south 12 degrees 46' west, 76.8 feet; thence south 55 degrees 26' east, 99.2 feet; thence north 62 degrees 17' east, 118.9 feet; thence north 56 degrees 02' east, 88.5 feet; thence north 45 degrees 27' E., 106.6 feet; thence N. 55 degrees 15' E., 118.5 feet; thence N. 71 degrees 21' E., 98.6 feet; thence N. 48 degrees 39' E., 192.2 feet; thence N. 33 degrees, 50' E., 68.6 feet; thence N. 5 degrees 53' E., 137.4 feet; thence N. 0 degrees 50' W., 42.7 feet to place of beginning; and containing 20 acres, more or less; be, and the same are hereby dedicated to Pierce county, a municipal corporation and subdivision of the State of Washington, to be used for poor farm and park purposes: *Provided, however,* That the name of said property so dedicated shall be "Will Reed's Island," and if the said Pierce county shall ever use or permit the use of said land for any other purposes than in this act provided, the same shall at once revert to the State of Washington without any suit or action in any court, and without any action on the part of the state whatever.

Purpose of
dedication.

Reversion.

Passed the House February 9, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor, March 1, 1917.

CHAPTER 32.

[H. B. 97.]

COUNTY FAIRS.

AN ACT relating to the development of industries, promoting the general welfare by providing for and encouraging county exhibitions of the products of agriculture, arts and manufactures, the acquisition of property by counties for such purpose and the maintenance of "county fairs."

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

SECTION 1. The holding of "county fairs" and agricultural exhibitions of stock, cereals and agricultural produce of all kinds, including dairy produce, as well as arts and manufactures, by any county in the state is hereby declared to be in the interest of public good and a strictly county purpose.

Declared
county
purpose.

SEC. 2. The board of county commissioners of any county in the state may acquire by gift, devise, purchase, condemnation and purchase, or otherwise, lands, property rights, leases or easements and all kinds of personal property and own and hold the same and construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining county fairs for the exhibition of county resources and products: *Provided*, That only one such fair may be established in any county.

Acquisition
of real and
personal
property.

SEC. 3. The board of county commissioners shall have power to employ persons to assist in the management of such fairs and make rules and regulations as to time and places for holding fairs, exhibits therein, fees to be charged, prizes to be awarded, and otherwise as to the general management of such fairs. The expenses shall be audited and paid in the manner provided by law from the general fund of the county and receipts and donations shall be credited to said fund and such fairs shall be made as near self-supporting as possible.

Supervision
by county
commis-
sioners.

SEC. 4. Appropriations in any one year by boards of county commissioners for the purpose of acquisition of

Limit of Ap-
propriations.

property and the maintenance of such fairs shall be limited according to the following schedule:

Counties of more than 100,000 population	\$10,000
Counties of between 100,000 and 50,000	\$7,500
Counties of between 50,000 and 25,000	\$5,000
Counties under 25,000	\$2,500

Passed the House February 15, 1917.

Passed the Senate February 21, 1917.

Approved by the Governor March 1, 1917.

CHAPTER 33.

[S. B. 64.]

FORESTS AND FOREST FIRES.

AN ACT relating to forests and forest fires and amending sections 5277-7, 5277-9 and 5277-16 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5277-7 of Remington and Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5277-7. All state land cruisers, all game-wardens, when approved by the forester, and all rangers and assistant rangers of the United States forest service, when recommended by their forest supervisors, and commissioned by the forester, shall be *ex-officio* rangers.

Ex-officio
rangers.

Timber cruisers and citizens of the state advantageously located may, at the discretion of the forester, be appointed rangers, and vested with their duties and powers.

Rangers shall receive no compensation for their services except when employed in co-operation with the state and under the provisions of this act, and shall not create any indebtedness, or incur any liability on behalf of the state: *Provided*, That rangers actually engaged in extinguishing, or preventing the spread of fire in brush,

Compensa-
tion.

slashings, choppings, timber or elsewhere that may endanger timber or other property, shall when their accounts for such service have been approved by the fire-wardens in authority, be entitled to receive compensation for such services at a rate to be fixed by the state board of forest commissioners.

SEC. 2. That section 5277-9 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5277-9. No one shall burn any forest material until all dry snags, stubs and dead trees over twenty-five (25) feet in height, within the area to be burned, shall have been cut down and until such other work shall have been done in and around the slashing or chopping, to prevent the spread of fire therefrom, as shall be required to be done by the forester, or any warden or ranger.

Burning
forest
material.

When any person shall have obtained permission from the forester, warden or ranger, to burn any slashings made for the purpose of clearing land, the warden may, at his discretion, furnish him with a man to supervise and control the burning, who shall represent and act for such warden, and shall have all the power and authority of a warden while engaged in such service, including the right to revoke such permit, if in his opinion the burning authorized would endanger any valuable timber or other property. Such a man shall serve only until such time as the party burning may be able to keep the fire under control himself.

Supervision.

The forester and wardens are hereby authorized and empowered to employ a sufficient number of men to extinguish or prevent the spreading of any fires that may be in danger of destroying any valuable timber or other property in this state. The forester, or any warden by special authority of the forester, may provide needed tools and supplies, and transportation when necessary for men so employed.

Employment
of assistance.

Every man so employed, and also the representative of the warden supervising the burning, shall be entitled to

Compensation.

compensation at a rate to be fixed by the state board of forest commissioners, and the warden shall issue a certificate to each man so employed showing the number of hours worked by him and the amounts due to him, upon which, after approval by the forester, the men shall be entitled to receive payment from the state in the manner provided for in section 5277-3.

Penalty.

Any person refusing to render assistance when called upon by any warden, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

SEC. 3. That section 5277-16 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Burnings on right of way.

Permits in closed season.

State and county work.

Section 5277-16. Everyone clearing right of way for railroad, public highway, private road, ditch, dike, pipe or wire line, or for any other transmission, or transportation utility right of way, shall pile and burn on such right of way all refuse timber, brush and debris cut thereon, as rapidly as the clearing or cutting progresses, or at such other times as the forester, or his authorized representatives may specify, and if during the closed season, in compliance with the law requiring burning permits. No one clearing any land or right of way, or in cutting or logging timber for any purpose, shall fell, or permit to be felled, any trees so that they may fall on to land owned by another, without first obtaining permission from such owner in addition to complying with the terms of this section for the disposal of refuse. All the terms of this section and other forest laws of the state shall be observed in all clearings of right of way or other land on behalf of the state itself or any county thereof, either directly or by contract; and unless unavoidable emergency prevents, provision shall be made by all officials directing such work for withholding a sufficient portion of the payment therefor, until the piling and burning is completed, to insure the completion of the

piling and burning in compliance with the provisions of this section.

Passed the Senate February 5, 1917.

Passed the House February 20, 1917.

Approved by the Governor March 1, 1917.

CHAPTER 34.

[H. B. 110.]

COMPILED LAWS OF WASHINGTON.

AN ACT to provide for the approval of the manner of compilation and publication, and for the certification of a compilation of the laws of the State of Washington.

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

SECTION 1. That a joint committee consisting of three members of the Senate and three members of the House, be appointed by the presiding officers thereof, with powers and duties as follows:

Joint senate
and house
committee
to approve
plan.

Said committee shall have authority to prescribe or approve an editorial plan of a complete annotated compilation of the laws in force in the State of Washington, including the laws of 1917, to be made and published by Mr. Frank Pierce; said committee shall prescribe or approve the manner and kind of mechanical execution of said compilation, including also kind and style of binding, paper, type and general make-up of the compilation.

The said committee shall undertake said work as soon as practicable and upon its acceptance by said publisher, said plan and acceptance shall be filed with the secretary of state.

The said publisher shall make an agreement with the secretary of state that he will sell said compilation within the State of Washington to all persons seeking to purchase the same at a price not exceeding eight dollars and fifty cents (\$8.50) per copy if said committee shall de-

Price of
volumes.

termine the compilation shall be published in one volume and not to exceed nine dollars and fifty cents (\$9.50) per copy if published in two volumes.

Certification
of laws.

After the making of said agreement with the secretary of state, the secretary of state is hereby authorized and directed to compare the laws in said compilation with the original rolls and when completed certify the same without fee as session laws are certified which certificate shall be published in said compilation.

SEC. 2. [Vetoed.]

Passed the House February 5, 1917.

Passed the Senate February 21, 1917.

Section 1 approved by the Governor March 1, 1917.

Section 2 vetoed by the Governor March 1, 1917.

CHAPTER 35.

[H. B. 26.]

SATURDAY HALF HOLIDAYS IN OFFICES OF COUNTIES AND CITIES OF FIRST CLASS.

AN Act permitting county and city officers to close their respective offices at twelve o'clock noon on Saturdays, and amending section 3863 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3863 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Authority
to close
Saturday
noon.

Sec. 3863. All elective and appointive officers of the counties of the first class, and all elective and appointive officers in the cities of the first class are permitted to close any branch or branches of their respective offices at twelve o'clock noon, on Saturday of each week, during the months of June, July, August, and September; and during the period from October first to May 31st, are permitted to release the major portion of the force of their respective

offices on Saturday of each week at twelve o'clock noon, retaining a sufficient force to transact the public business that may offer on Saturday afternoon.

Partial
release of
force.

Passed the House February 8, 1917.

Passed the Senate February 22, 1917.

Approved by the Governor March 2, 1917.

CHAPTER 36.

[S. B. 152.]

COAL MINING CODE.

AN ACT relating to and regulating the operations of coal mining, providing for the inspection thereof and limiting the hours of labor therein; creating a state mine inspection department and prescribing the qualifications and duties of inspectors; prescribing the qualifications and duties of certain officials and employees in coal mines, fixing penalties for violation of this act and repealing all acts relating to coal mines and the inspector of mines in the State of Washington.

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

ARTICLE I.

DEFINITIONS OF TERMS.

SECTION 1. That for the purpose of this act the terms and definitions contained therein shall be as follows:

Mine: The term "mine" shall mean all the excavations penetrating coal or other strata used in the opening, developing or operation of workings for the purpose of mining coal, operated by one operator, and all machinery, tramways, sidings, either above or below ground, in or adjacent to and belonging to said operation.

Definitions.

Shaft: The term "shaft" shall mean any vertical excavation in the earth or strata used as a means of ingress or egress, for hoisting or lowering of material, for ventilation or drainage, or any other purpose incidental to the operation of a mine.

Slope: The term "slope" shall mean any excavation in the earth or strata driven at an angle to the plane of the

horizon, used as a means of ingress or egress, for hoisting or lowering of material, for ventilation or drainage, or other purpose incidental to the operation of a mine.

Airway: The term "airway" shall mean any underground passage the principal purpose of which is to carry air.

Working Face: The term "working face" shall mean any portion of a mine from which coal or rock is being cut, removed, sheared, broken or loosened.

Opening: The term "opening" includes shafts, slopes, inclines, tunnels, levels, or any other means of access to a mine.

Map: The term "map" includes plans and projections, section tracing and print of an original plan, or section of a mine or portion thereof.

Plane: The term "plane" shall mean an inclined roadway, other than slopes, used for the transportation of coal, men or material.

Tunnel: The term "tunnel" shall mean any excavation in the earth or strata driven approximately horizontally, used in ingress and egress of men and material, or for ventilation, drainage or haulage.

Level—Gangway—Entry: The term "level," "gangway," or "entry" shall mean an excavation driven parallel, or nearly so, to the strike of the seam, and used for ventilation, traveling, haulage or drainage.

Sump: The term "sump" shall mean a catch-basin into which the drainage from a mine flows, and from which it is pumped directly or indirectly to the surface.

Crosscut—Breakthrough: The term "crosscut" or "breakthrough" shall mean an excavation driven to connect two parallel working places.

Inspector: The term "inspector" shall mean the person commissioned by the governor to inspect the coal mines, as hereinafter provided for in this act.

Deputy Inspector: The term "deputy inspector" shall mean a person appointed by the inspector, to be a deputy mine inspector, as hereinafter provided for in this act.

Operator: The term "operator" shall mean any firm, company, corporation, or individual working any mine or any part thereof.

Manager or General Manager: The term "manager" or "general manager" shall mean any person who shall have, on behalf of the operator, general supervision of the operation of any mine or group of mines.

Superintendent: The term "superintendent" shall mean the person who shall have, on behalf of the operator, immediate supervision, under the manager or operator, of any mine or group of mines.

Mine Foreman: The term "mine foreman" shall mean a person whom the operator, manager or superintendent, shall place in charge of the workings of a mine, and of the persons employed in or about the same.

Assistant Mine Foreman: The term "assistant mine foreman" shall mean a person appointed by the management to assist in directing the operation of a mine or the persons employed in or about the same.

Fire Boss: The term "fire boss" shall mean a person appointed by the management to inspect all the working places of a mine in his district.

Shot Firer—Shot Lighter: The term "shot firer" or "shot lighter" shall mean a person appointed by the mine foreman to inspect and fire shots used for the breaking of coal or rock, and to otherwise supervise the use of explosives in a mine.

Miner: The term "miner" shall mean a person employed underground to mine, cut, shear, break or loosen coal or rock, either by hand, machinery or powder, load same when required, and do necessary timbering.

Company Man: The term "company man" shall include any man or men employed in or about a mine and not mentioned in the foregoing definitions of terms.

Certificated Man: The term "certificated man" shall mean any person holding a certificate of competency as provided for in this act.

Approved Safety Lamps: The term "approved safety lamps" shall mean any safety or electric lamp approved by the federal bureau of mines.

Permissible Explosives: The term "permissible explosives" shall mean any explosives declared by the federal bureau of mines to be permissible for use in a mine, when said explosive is used as provided for by the federal bureau of mines.

Check Weighman: The term "check weighman" shall mean an employee selected and paid by the miners, to inspect the weighing of the miners' coal that is being mined by the ton.

Weighman: The term "weighman" shall mean a person employed by the operator to weigh coal.

Terms not previously defined: All terms used in this act not hereinabove defined shall have their commonly accepted meanings as used in coal mines of this state.

ARTICLE II.

INSPECTION DEPARTMENT.

SEC. 2. The state mine inspection department shall consist of a mine inspector and deputy mine inspector, who shall be appointed as provided for in this act.

SEC. 3. When this act goes into effect the governor shall appoint a state board of examiners to pass upon the qualifications of applicants for the positions of mine inspector and of deputy mine inspector. This board shall consist of one practical coal miner, one mine manager or superintendent, and one practical mining engineer. All members of the aforesaid board shall be citizens of the United States and of the State of Washington, and shall have had at least three years' practical experience in or about the mines of this state.

The appointments of the first state board of examiners under this act shall expire April 1st, 1921, and a new board shall be appointed by the governor on that date, and every four years thereafter. Nothing in this act shall be construed to prevent the reappointment of any mem-

Department
created.

State
board of
examiners.

Appoint-
ment of
examiners.

ber of the board for any number of consecutive terms. After the expiration of the term of the first board, each board shall be appointed for four years, but any member may be removed by the governor at any time for cause. Each vacancy on the board shall be filled by the governor within two months after the occurrence of such vacancy.

The state board of examiners provided for in this act shall take the following oath of office before some person duly authorized to administer an oath: "We do solemnly swear (or affirm) that we are citizens of the United States and of the State of Washington and that we will perform the duties devolving on us to the best of our ability, and that in giving or refusing certificates of competency as mine inspector of the State of Washington, we will be governed entirely by the evidence of fitness of the applicant, as defined in the state mining laws; that we will certify all whom we may find qualified, and who shall have passed the required examination, according to the law, to the best of our knowledge and judgment."

Oath.

The state board of examiners shall receive six dollars (\$6.00) per diem, and their actual and necessary traveling expenses for the time actually engaged in the performance of the duties imposed upon them in this act. Such compensation and expenses are to be paid out of the general fund of the state in the manner provided by law. The expenses for stenographic work and printing of the board shall be paid in like manner.

Per diem
and
expenses.

The mine inspector shall furnish, from his office maintenance fund, whatever blanks, blank books, stationery and similar supplies as are needed by the board.

SEC. 4. It shall be the duty of the state board of examiners to examine into the qualifications of all applicants for appointment to the position of inspector of mines of the State of Washington, by conducting a thorough examination as to the knowledge of laws applying to mines in the State of Washington, on mine working, ventilation, gases, machinery, first aid and mine rescue work and actual experience in underground mining and to acquaint them-

Examina-
tions for
inspectors.

selves with the person, character, habits and general worthiness of each applicant. The general examination shall be in writing, and the manuscripts and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board, shall be filed with the secretary of state as public documents, but such applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, mine fires, mine rescue appliances, and general mining subjects, including the laws of the state applying to coal mines. The board of examiners shall confine the examination of applicants to questions as designated in this act. All candidates shall be allowed the use of such text books as the board may deem proper during the examination. No person shall be certified as competent whose average per cent. shall be less than seventy-five (75), and certificates shall show what per cent. the applicant has obtained, and such certificates shall be valid only when signed by a majority number of the examining board. The examining board shall, immediately after the examination, furnish to each person who came before it to be examined, a copy of all questions, whether oral or written, which were given at the examination, each question to be marked: "Solved right;" "Imperfect;" or "Wrong," as the case may be.

Each candidate shall receive a certificate of competency if he makes an average of seventy-five (75) per cent. on the examination credits to be given as follows:

Practical experience, worthiness and	
general fitness	40 points
Written examination	40 points
Oral examination	20 points

The board shall file with the governor and with the mine inspector names of all persons given certificates of competency as mine inspectors: *Provided*, That anyone who has satisfactorily served as state coal mine inspector in the State of Washington, for one full term of four years, upon making written application to the board set-

Certificates
of com-
petency.

Eligibility
of former
inspectors.

ting forth these facts, shall be certified to the governor as properly qualified for appointment.

SEC. 5. Applications to the state board for examination for mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the State of Washington, and that he has attained the age of thirty (30) years; has had at least five (5) years' practical experience in and about the mines in the United States, and at least three (3) years' practical experience in and about the mines in the State of Washington, and that he has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. He shall also furnish an affidavit from two citizens of the state that he is a man of good repute, temperate habits, and in good physical condition, and above thirty (30) years of age.

Affidavits of applicants for examination.

SEC. 6. Beginning the first Monday of July, 1917, and every four years thereafter, or at such other times as requested to do so by the governor, or by the mine inspector, the state board of examiners shall conduct examinations at the office of the mine inspector. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty (30) days before such examination.

Examinations, when held.

The governor shall appoint as mine inspector a man who has been given a certificate of competency by the board of examiners, or who has otherwise qualified for the position, under the provisions of this act. The mine inspector shall hold his office for four (4) years, and be at all times subject to removal from office by the governor for neglect of duty or for malfeasance in the discharge of his duties.

Appointment of inspector.

The mine inspector shall appoint as deputy mine inspector a man who is a citizen of the United States and of the State of Washington, who has had five (5) years' practical experience in and about the mines of the United States and three (3) years' practical experience in and about the mines in the State of Washington, and that he

Appointment of deputy.

has a mine inspector's certificate of competency given by the board of examiners after an examination as provided for in this act. The deputy mine inspector shall hold office subject to removal by the mine inspector for cause.

Tenure of
present
officers.

The persons who, at the time this act goes into effect, are acting as inspector, or deputy inspector, of mines under the acts hereby repealed, shall continue to act in the same manner as if they had been appointed under this act and until the term for which they were appointed has expired.

Reappoint-
ments.

Nothing in this act shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act.

Salaries and
expenses of
inspectors.

SEC. 7. The salary of the mine inspector shall be three thousand dollars (\$3,000.00) per annum, and the salary of the deputy mine inspector shall be twenty-four hundred dollars (\$2,400.00) per annum. The inspector and his deputy shall be allowed their necessary expenses for office maintenance, stenographic services, and for equipment and instruments, as well as for actual and necessary traveling expenses while in the performance of their duties, under the provisions of this act. The auditor of this state is hereby authorized and directed to draw his warrant on the state treasurer in favor of the mine inspector and his deputy for the amounts due them for their salaries monthly, and also for their expenses, upon proper vouchers, to be paid out of any monies in the state treasury appropriated for that purpose.

Duties of
inspectors.

The mine inspector and his deputy shall devote their entire time to the duties of their respective offices; they shall have no financial interest, direct or indirect, in any mine under the supervision of the inspection department.

Oath.

The mine inspector and his deputy shall, before entering upon the discharge of their duties, each take an oath to discharge their duties impartially and with fidelity and to the best of their knowledge and ability.

It shall be the duty of the mine inspector and his deputy to enforce the provisions of this act, for the regulation of mines, unless enforcement is otherwise especially provided for.

SEC. 8. The mine inspector and his deputy shall have the right, and it is hereby made their duty to enter, inspect and examine any coal mine in this state, and the workings and the machinery belonging thereto, at all reasonable times, either day or night, but not so as to impede or obstruct the working of the mine. They shall also have the right, and it is their duty to make inquiry into the condition of such mine, workings, machinery, ventilation, drainage, method of lighting or using lights and into all methods and things connected with and relating to the health and safety of persons employed in or about said mine, and especially to make inquiry whether or not the provisions of the acts regulating mines have been complied with. The management of each mine is hereby required to furnish the means necessary for such entry, inspection, examination and exit.

Right of entry for inspection.

SEC. 9. (a) It shall be the duty of the said inspector or his deputy to carefully examine each coal mine in operation in this state at least every four (4) months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The mine inspector or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the inspection department; and also post at the mine a notice of his inspection.

Frequency of inspection.

Records of inspection.

(b) If the management of any operating company shall refuse to permit the members of the inspection department to enter any mine, the inspector or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the

Order of court for inspection.

mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

Enjoining
operation of
unsafe mine.

(c) If the mine inspector or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act, or unsafe for the workmen employed therein, said inspector shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the inspector shall, through the prosecuting attorney of the county in which the mine is located, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: *Provided*, That if the said court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the county in which the mine is located: *Provided, also*, That should any inspector find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, said inspector shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

Withdrawal
of workmen
by inspector.

(d) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the inspector shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

Investigation of explosions and loss of life.

(e) The mine inspector or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the inspection department. To enable the mine inspector or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the county in which such accident has occurred, in the same manner as the costs of the coroner's inquests or investigations are paid.

Record of accidents.

Compulsory attendance of witnesses.

(f) During his absence from the state on official business, or at such times as he may be incapacitated by illness, or by other causes, the mine inspector shall have the authority to designate his deputy to act as mine inspector.

When deputy to act as mine inspector.

(g) Whenever a properly signed and executed petition is filed in the superior court, stating that the mine inspector, or his deputy, has neglected his duties, or is incompetent, or is guilty of malfeasance in office, it shall be the duty of said court to issue a citation in the name of the state to said inspector to appear (at not less than five days' notice) on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners. Such action shall be prosecuted by the county attorney.

Citation to inspector or deputy on charge of incompetency or malfeasance.

(h) The above mentioned petition shall be signed by twenty (20) residents of the state, reputable citizens who are employed in or about the mines, or who are engaged in the operations of mines. It shall be accompanied by the affidavits of two or more of the petitioners, and by a bond in the sum of five hundred dollars (\$500.00), running to the state.

Requisites of petition for removal.

(i) If the court finds that the said mine inspector or his deputy is neglectful of his duties or is incompetent to

Certification of incompetency to governor.

perform the duties of his office, or that he is guilty of malfeasance in office, the court shall certify the same to the governor, who shall declare the office of said inspector vacant. This office shall then be filled in compliance with the provisions of this act.

Costs.

(j) If the charges are not proved the costs of the investigation shall be imposed on the petitioners. If the charges are proved the costs of the investigation shall be paid by the county in which the charges are preferred.

Annual reports.

SEC. 10. It shall be the duty of the mine inspector to transmit a synopsis of his annual report to the governor not later than March 1st of each year.

It shall also be the duty of the mine inspector to see that his complete report is placed in the hands of the state printer for publication on or before the first day of April in each annual period; the same to be published under the direction of the mine inspector. At least two thousand (2,000) copies must be printed.

Budget of department expenses.

SEC. 11. For the purpose of carrying this act into effect the mine inspector shall make an estimate of the expenses of the department and submit same to the legislature. It shall be the duty of the legislature to make the necessary appropriation.

ARTICLE III.

EXAMINING BOARD.

Examinations for first and second class certificates.

SEC. 12. The state board of examiners, with the addition of the state mine inspector, shall conduct the examination of applicants for first and second class certificates, and issue the same under the provisions of this act.

SEC. 13. Examinations for first and second class certificates shall be held yearly, or oftener, as the mine inspector may direct, but not more than thirty (30) days per year shall be allowed for this work. The examinations shall be held at such places as the mine inspector shall direct.

Notice of time and place.

SEC. 14. Notice of the place and date on which examinations for first and second class certificates are to

be held shall be sent to each mine in the state, and shall be posted in a conspicuous place, at least fifteen (15) days before the time set for the examination.

Certificates issued to candidates who pass the examinations shall be in such form as shall be prescribed by the examining board. The mine inspector shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name, age and birth place of the applicant; shall designate whether first class or second class; the average percentage made on the entire examination, and shall be valid only when signed by a majority of the board. Certificates.

Each application for a first or second class certificate must be accompanied by a fee of two dollars (\$2.00), made payable to the state treasurer, to be applied to pay the salaries and expenses of the members of the examining board. Fees.

SEC. 15. Examinations for first class certificates shall cover the following subjects: Laws applying to mines in the State of Washington; methods of mine working and ventilation; mine fires; mine rescue work and appliances; first aid to the injured and actual experience in underground mining; methods of timbering, bratticing and blasting. The general examination shall be in writing, and the manuscripts and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board, shall be filed with the mine inspector as public documents. The papers may be destroyed one year from date of examination. In addition to the written examination, the applicants shall undergo an oral examination pertaining to explosive gases, safety lamps, first aid to the injured, mine rescue appliances and general mining subjects. All candidates shall be allowed the use of such text books as the board may deem proper during the examination. Examination subjects for first class.

Each candidate shall receive a certificate of competency if he makes an average of seventy-five (75) per cent. on the examination, credits to be given as follows:

Practical experience, worthiness and general fitness	40 points
Oral examination	40 points
Written examination	20 points

Examination
subjects for
second class.

SEC. 16. Examinations for second class certificates shall cover the following subjects: The sections of the law of the State of Washington applying to the duties of men with second class certificates; mine ventilation and similar subjects; questions in regard to mine rescue work and appliances; first aid to the injured; methods of timbering, bratticing and blasting.

The general examination shall be in writing and the manuscripts and other papers of all applicants, together with the tally sheets and the solution of each question as given by the examining board shall be filed with the mine inspector as public documents. These papers may be destroyed one year from date of examination.

In addition to the written examination the applicant shall undergo an oral examination. The examination shall include the use and care of safety lamps; work in timbering; bratticing, charging and firing blasts; work in first aid to the injured, and, wherever possible, in the use of mine rescue apparatus, and other work which men with second grade certificates may be called upon to do in pursuance of their duties. An average percentage of seventy-five (75) on the whole examination shall be required for qualification. Credits to be given as follows:

Practical experience, worthiness and general fitness	50 points
Oral examination	30 points
Written examination	20 points

Service
certificates.

SEC. 17. Service certificates shall be granted by the examining board without examination, to mine foreman, assistant mine foreman, and fire bosses, who are now acting in these capacities. Proper affidavits must be furnished the examining board by the applicants for service certificates, covering time of service, moral character and general fitness for the position.

All first or second class certificates granted by the examining board without giving an examination in the manner herein provided, shall be designated on the face of the certificates as a service certificate.

A service certificate shall have the same effect for the purpose of this act as a certificate of competency granted by the board after examination.

SEC. 18. The certificate of any mine foreman, assistant mine foreman, or fire boss, may be cancelled or suspended by any examining board upon notice and hearing as hereinafter provided. If it shall be established in the judgment of said board that the holder of said certificate has become unworthy to hold said certificate by reason of violation of the law, or obtained by fraud, or of intemperate habits, or incapacity, said certificate may be cancelled or suspended for any period not to exceed two years: *Provided*, That any person against whom charges or complaints are made hereunder shall have the right to appear before said board and defend himself against such charges, and he shall be given fifteen (15) days' notice in writing of such charges, previous to the hearing. The meeting of the board of examiners to investigate charges against the holder of any certificate of competency of any grade shall be held within a reasonable time after such charges are made. In no case shall the meeting of said board be deferred longer than thirty (30) days after the charges are made. Any holder of a first or second class certificate, who shall have had his certificate cancelled, shall be eligible to take an examination for a new certificate on and after two years from date of cancellation, by setting forth in his application the time, place and causes of cancellation of his former certificate.

Cancellation
of
certificates.

Hearings.

Eligibility
for exam-
inations.

SEC. 19. In case of the loss or destruction of a certificate, the board may supply a copy thereof to the person losing the same, upon the payment of the sum of fifty cents (50c): *Provided*, It shall be shown to the satisfaction of the board that the loss has actually occurred.

Lost
certificates.

Penalty for making or using forged or false certificate.

SEC. 20. Any person or persons who shall forge or counterfeit a certificate, or knowingly make or cause to be made any false statement in any certificate under this act, or any official copy of same, or shall urge others to do so, or shall use any such forged or false certificate, or any official copy of such, or shall make, give, alter or produce, or make use of any false declaration, representation or statement in any certificate or copy thereof, or any document containing the same, shall be guilty of a misdemeanor.

ARTICLE IV.

CERTIFICATED MEN.

What employees to be certificated.

SEC. 21. Men employed in the coal mines of the State of Washington as mine foreman, assistant mine foreman, or fire bosses, shall have certificates of competency as heretofore provided.

Division into first and second class.

SEC. 22. Such certificates of competency shall be first class as mine foreman, and second class as assistant mine foreman or fire boss. A first class certificate shall be considered as including the second class certificate also.

Applications and fees.

SEC. 23. Applications for examination for first and second class certificates must be made in writing to the mine inspector and must be accompanied by an affidavit showing that the applicant is eligible as provided for under section 24 of article IV of this act (qualifications of candidates for certificates of competency). Each application must be accompanied by a fee of two dollars (\$2.00).

Qualifications for certificates.

SEC. 24. In no case shall a certificate of competency be granted to any candidate until he shall satisfy the board of examiners, which is holding the examination, by qualifying as follows, or by service certificate as hereafter provided for:

(a) If a candidate for a first class certificate, that he has had at least five (5) years' experience in and about the actual workings of a coal mine, and is at least twenty-five (25) years of age.

(b) If a candidate for a second class certificate, that he has had at least one year's experience in the underground workings of a coal mine, and is at least twenty-three (23) years of age.

(c) If a candidate for either first or second class certificate, that he has taken a course in mine rescue and first aid training equivalent to the work required by the federal bureau of mines for a certificate of competency in these subjects.

Provided, That when satisfactory evidence is submitted to the examining board showing the work the candidate for a first class certificate has completed in any mining course in any university, college, or correspondence school, the board may in lieu of actual experience allow him credit for not more than eighteen (18) months on his practical experience for such work completed.

SEC. 25. No one shall be allowed to act as a mine foreman of a coal mine in this state except he be the holder of a first class or service certificate under this act.

Qualifications for foreman.

SEC. 26. No one shall be allowed to act as assistant mine foreman or fire boss in any coal mine in this state, except that he be the holder of a second class or service certificate under this act.

Qualifications for assistant foreman and fire boss.

ARTICLE V.

VENTILATION.

SEC. 27. The operator, or superintendent, of every mine shall provide and maintain ample means of ventilation to furnish a constant and adequate supply of pure air for employees in the mine. The minimum quantity of air shall be one hundred (100) cubic feet per minute for each person employed in the mine, and five hundred (500) cubic feet per minute for each horse or mule, and as much more as may be necessary to keep the mine free from dangerous and explosive gases.

Quantity of air for ventilation.

SEC. 28. Every mine shall be divided into districts or splits of not more than seventy (70) men in each district or split (unless in the judgment of the inspector it

Separate air current for each split.

is impracticable to comply with this requirement, in which case a larger number, not to exceed ninety (90) persons, may be permitted to work therein). Each district or split shall be supplied with a separate current of fresh air. The return air from each district or split, when from seventy to ninety men are employed, shall be conducted direct or through an overcast or undercast to the main return airway.

Character of
ventilation.

SEC. 29. The ventilation shall be conducted to all working places in the mine in sufficient quantities to dilute, render harmless and carry off the smoke, noxious and other dangerous gases generated therein, to such an extent that all working places, traveling roads, and such other places as may be necessary for the general safety of the mine, shall be in a safe and healthful condition.

Measure-
ment of air.

SEC. 30. The quantity of air passing a given point shall be ascertained by an anemometer, the measurements to be taken by the mine foreman, or his assistant, at least once each week at or near the main inlet and outlet of the mine, and the inlet and outlet for each district or split, and also in the last crosscut or breakthrough nearest to face of entry, gangway or air course beyond the last breast, chute or room, turned, and in the top crosscut or breakthrough between the two inside working breasts, chutes or rooms, also in the top crosscut or breakthrough between the two outside working breasts, chutes or rooms.

SEC. 31. Weekly measurements shall also be taken of air traveling through pillars that are being drawn. Said measurements shall be taken on the days when the men are at work.

Record of
measure-
ment.

SEC. 32. A record of all air measurements shall be entered in a book provided for that purpose and kept at the mine.

Inspection
for inflam-
mable gas.

SEC. 33. In every mine in which inflammable gas has been found within the preceding twelve (12) months, or spontaneous combustion occurs, a fire boss, or fire bosses, shall be appointed, who shall, within three hours before

the time for commencing work in any part of the mine, inspect with an approved safety lamp all working places, and shall make a true report of the condition thereof.

SEC. 34. Where fire bosses are employed workmen shall not go to work in the mine until the same and the traveling way leading thereto are reported safe by the fire boss or fire bosses so inspecting. Every such report shall be recorded as provided for under the duties of fire bosses, article IX, section 115, of this act.

Fire boss to report on safety of mine.

SEC. 35. At non-gaseous mines the fan may be stopped during a suspension of work, temporary or otherwise. However, it must be started two hours before employees are admitted to the mine.

Suspension and starting of fan.

SEC. 36. Every main fan at gaseous mines shall be kept in operation continuously, day and night, unless operations are definitely suspended: *Provided*, That should it at any time become necessary to stop any fan at any mine, gaseous or non-gaseous, on account of accident to part of the machinery connected therewith, or by reason of any other unavoidable cause, it shall be the duty of the mine foreman, or the assistant mine foreman, in charge, after having first provided for the safety of the persons employed in the mine, to order said fan stopped for necessary repairs.

Continuous operation of fan in gaseous mines.

Stoppage for repairs.

SEC. 37. Every main ventilating fan shall be provided with a recording instrument by which the ventilating pressure of the fan shall be registered, and the registration of each day, with the date thereof, shall be kept in the office of the mine for future reference for one year, the same to be produced upon request of the inspector.

Recording instrument for air pressure.

No fan, unless driven by electricity or compressed air, shall be placed in any mine. In gaseous mines if the fan be electrically driven, the motor shall be placed in the intake airway.

Location of fans.

SEC. 38. It shall be unlawful to use a furnace for ventilation in any coal mine in the state.

Furnaces prohibited. o

Air bridges,
under and
overcasts.

SEC. 39. In every mine all permanent air bridges, undercasts or overcasts, shall be substantially built of ample strength. If built of wood they must be covered with fire-proof material on all exposed sides; or they must be driven through the solid strata.

Ventilating
doors.

SEC. 40. All doors used in assisting or in any way affecting the ventilation shall be so hung that they will close automatically.

Doors hung
in pairs.

SEC. 41. All permanent doors on main haulage roads affecting main air currents shall be hung in pairs and so placed that when one door is open, another which has the same effect upon the same air current, shall be and remain closed and thus prevent any temporary stoppage of the air current. An extra door shall be so placed and kept standing open as to be out of reach of accident, and arranged so that it can be closed should one or both of the other doors be out of order.

Extra doors.

Self-acting
doors or
attendants
required.

SEC. 42. The inspector may require either self-acting doors of an approved type, or an attendant at permanent doors that control the air current on any main haulage roads through which cars are hauled, for the purpose of opening and closing it for the employees and cars to pass in and out from the workings. A hole for shelter shall be provided at each door, to protect the attendant from danger from cars while performing his duty. Persons employed for this purpose shall remain at the doors at all times during working hours: *Provided*, That the same attendant may attend two doors if his absence from the first door does not endanger the safety of the employees.

Construc-
tion of
stoppings
between
airways.

SEC. 43. In all mines, all new permanent stoppings in crosscuts or breakthroughs between the main intake and return airways shall be substantially built of masonry, concrete, or blocks of timber. Renewals of old stoppings shall be built as above. When timber is used the same must be faced with concrete or other incombustible material.

○
Airtight
stoppings.

SEC. 44. Stoppings on levels between intake and return airways shall be substantially built and made as near

airtight as possible. On levels driven more than two thousand (2,000) feet, stoppings shall be built of masonry, concrete or blocks of timber.

SEC. 45. Stoppings shall be built in crosscuts or break-throughs, between breasts, chutes or rooms, or other working places, to conduct the ventilation to the working places. However, such stoppings may be built of wood.

When stoppings may be of wood.

SEC. 46. It shall be unlawful for the owner, operator or superintendent of any mine, or the agent of such owner, operator or superintendent, to employ any person or persons in such mine, or permit any person or persons to be in such mine for the purpose of working therein, unless there are provided and maintained in connection with and leading from such mine, in addition to the hoisting shaft, slope or other place of delivery not less than two openings or outlets to the surface, or one outlet to the surface and one underground passage leading to a contiguous mine; said openings or outlets to be separated from each other and from such hoisting shaft, slope or other place of delivery, by a stratum of not less than seventy-five (75) feet in thickness, at and through which openings or outlets safe and ready means of ingress and egress are at all times available by not less than three routes, for any person or persons employed in said mine; and in connection with and leading from each seam or stratum of coal being worked in said mine, and from every lift thereof, not less than two openings or outlets leading directly or indirectly to the surface, and separated by a stratum of not less than seventy-five (75) feet in thickness; at and through which two openings safe and ready means of ingress and egress are at all times available by not less than two routes for any person or persons employed in said stratum or seam of coal or lift thereof. This section shall not apply to a mine while being worked for the purpose of making communication between said outlets, or to open a seam or stratum of coal, or new lift thereof, so long as not more than twenty (20) persons are employed at any time in

Number of outlets to surface required.

Application of act.

such part of a mine, or new lift of a mine; neither shall it apply to any mine or part of a mine in which any outlet has been rendered unavailable by reason of the final robbing of pillars, previous to abandonment, so long as not more than twenty (20) persons are employed in such mine or any part of such mine at one time.

Application
of act.

This section shall apply only to mines or parts of mines which shall be developed or in which development shall be started after this act shall go into effect, but it shall not be construed to permit any openings or outlets now in use for the safety of men to be abandoned unless other such openings are substituted therefor.

Prohibited
distances
for removal
of coal.

SEC. 47. It shall be unlawful for the owner, operator or superintendent of any mine to loosen or remove, or cause or permit to be loosened or removed from its original position, any coal within a distance of two hundred and fifty (250) feet on either side of any hoisting slope, or within a distance of fifty (50) feet on either side of any permanent airway, or escapeway, or within twenty-five (25) feet of any level or gangway, or any parallel airway to any level or gangway, except for the purpose of driving air and escapeways, crosscuts and such other passages as may be necessary for the proper operation of the mine. This section shall not be construed to prevent the drawing of pillars previous to the final abandonment of the mine.

Withdrawal
of pillars.

Crosscuts.

SEC. 48. Crosscuts between room, breasts and chutes shall be made not to exceed sixty (60) feet apart.

Crosscuts between gangways, levels, airways and counters, or main slopes and main air courses, shall not exceed sixty (60) feet, unless they may be properly ventilated by sufficient brattices.

Conducting
air to
crosscuts.

SEC. 49. The required air current shall be conducted to the cross cut nearest the face of each entry, gangway, breast or chute.

Danger
signs.

SEC. 50. Danger signs in all mines shall be uniform, and of a design submitted by the mine inspector. All danger signs shall be kept in good condition, and no defective sign shall be allowed to remain in any mine.

ARTICLE VI.

MAPS AND PLANS.

SEC. 51. The operator of every coal mine in this state shall make, or cause to be made, an accurate transit survey and an accurate map or plan of such mine, drawn to the scale of one hundred (100) feet to the inch, on which shall appear the name of the state, county and township in which the mine is located; the designation of the mine, the name of the company or owner; the certificate of the mining engineer or surveyor as to the accuracy and date of the survey; the direction of the true meridian, and the scale to which the drawing is made.

Survey
and map
of mine.

SEC. 52. Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine, and all section or quarter section lines or corners within the same; the lines of town lots and streets, the tracks and sidetracks of all railroads and the location of all wagon roads, rivers, streams, lakes or ponds, with depth shown, all buildings, landmarks and principal objects on the surface.

Map to
show surface
objects.

SEC. 53. For the underground workings said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and crosscuts; the location of pumps, hauling engines, engine planes, abandoned works, firewalls and standing water; and the boundary line of any surface outcrop of the seam. Sea level datum and pitch of seams shall be placed on the maps at top and bottom of slopes and shafts, at ends of all gangways and at top of escapeways.

Underground
workings
shown.

Datum and
pitch of
seams.

SEC. 54. A separate map, drawn to the same scale in all cases, shall be made of each and every seam worked in any mine, and the maps of all such seams shall show all shafts, inclined planes or other passageways connecting the same, and shall show the sea level datum and pitch of seams, as provided in section 53, article VI.

Separate
map for
each seam.

When
separate
surface map
required.

SEC. 55. A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such cases the surface map shall be drawn upon transparent cloth or paper, so that it can be laid on the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine.

Copies of
maps filed
with
inspector.

SEC. 56. The original or true copies of all such maps shall be kept in the office of the mine, and prints thereof shall also be furnished to the mine inspector. The maps so delivered to the inspector shall be the property of the state, and shall remain in the custody of the inspector during the term of his office, and be delivered by him to his successor in office; they shall be kept at the office of the inspector, and be open only to the inspector or his deputy for his examination and he shall not permit any copies of the same to be made.

Mappings of
changes in
plans or
new work.

SEC. 57. An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months prior to July 1st of every year, and the results of said survey, with the date thereof, shall be promptly and accurately entered upon the original maps and all copies of same so as to show all changes in plan or new work in the mine and all extensions to the old workings which have been made since the last preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of said inspector, or a new copy furnished and the old copy returned to the operator.

Final survey
and map of
abandoned
mine.

SEC. 58. When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey of all parts of such mine, and the results of the same shall be duly extended on all maps of the mine and a copy of such final survey shall be filed with the mine inspector, so as to show all excavations and the most advanced workings

of the mine, and their exact relation to the boundary or section lines of the surface.

SEC. 59. Whenever an operator of any mine shall neglect or refuse or for any cause not satisfactory to the mine inspector, fail for the period of three months to furnish said inspector the map or plan of such mine, or a copy thereof, or the extensions thereto, as provided in this article, such operator shall be deemed guilty of a misdemeanor, and the inspector is hereby authorized to make or cause to be made an accurate plan or map of such mine at the cost of the operator thereof, and the cost of the same may be recovered from the operator in an action at law brought in the name of the inspector, for his use.

Penalty for neglect to furnish map to inspector.

SEC. 60. The mine inspector may order a survey to be made of the workings of any mine, in addition to the regular annual survey, the results to be extended on the maps of the same and copies thereof, whenever the safety of the workmen, unlawful injury to the surface, unlawful encroachment on adjoining property, or the safety of an adjoining mine requires it.

When inspector may order survey.

If the inspector shall believe any map required by this act is materially inaccurate or imperfect, he is authorized to make or cause to be made a correct survey and map at the expense of the operating company, the cost recoverable as for debt: *Provided*, If such test survey shows the operator's map to be practically correct, the state shall be liable for the expense incurred, payable in such manner as other state accounts incurred by the mine inspector.

New map by inspector.

ARTICLE VII.

HOISTS AND HOISTING.

SEC. 61. The owner, operator or agent of every coal mine operated by shaft or slope, shall provide efficient means of signalling between the top and bottom thereof and each intermediate working level, by an electric bell or other equally satisfactory signalling device, and also a uniform code of signals for use therewith.

Signalling apparatus.

The operator or the superintendent shall provide, and hereafter maintain in good condition from the top to the bottom of every shaft or slope, and at each alternate intermediate working level from or to which persons or materials are lowered or hoisted, a telephone or metal tube of proper diameter, suitably adjusted to the free passage of sound, through which conversation may be held and understood between persons at the top and bottom of said shaft or slope.

SEC. 62. For the purpose of hoisting or lowering men in any shaft or slope the owner, operator or agent thereof shall provide:

Hoisting
apparatus.

(a) A type of hoisting apparatus of sufficient strength to hold twice the maximum weight of the cage or cars loaded with men at any point on the shaft or slope. Each hoisting apparatus to be equipped with a brake or brakes on each drum of sufficient power to fully control the speed of the cage or cages or cars in such shaft or slope.

Indicators.

(b) An efficient indicator that will show at all times the true position of the cage or cages or cars attached to each hoist.

Prevention
of over-
winding.

(c) An efficient device for the prevention of overwinding shall be attached to every hoisting apparatus hereafter put in service for hoisting or lowering persons in a shaft.

Cage con-
struction.

(d) A cage with a floor free from all obstructions must be provided for all shafts. Such cage shall be solidly constructed of heavy timber or iron beams for the frame, sufficient to withstand severe shocks under strains, and shall be covered with a substantially supported bonnet of boiler iron to protect persons riding in the cage from anything falling down the shaft. Each cage must be equipped with chains, bars or gates at each end, which must be always in place when men are hoisted or lowered. Each cage must also be equipped with efficient safety catches to prevent the cage from falling down the shaft in the event of the rope breaking. All rope links or chains at-

tached to cars or cages must be of ample strength with a factor of safety of not less than five to one on the maximum load.

(e) On all regular man trips being hoisted on slopes of twenty (20) degrees or more, each car shall be attached to the car ahead by two or more separate connections, each one of which must be of ample strength to hold any load placed upon it by the breaking of the other. And the first car shall be secured to the socket by an extra cable or chain securely attached to the car: *Provided*, That any other approved safety device may be used in lieu of those hereinabove in this paragraph (e) mentioned. On all slopes of less than twenty (20) degrees a safety rope shall extend from the main rope to the last car, or other approved safety device that will answer the same purpose.

Safety devices connecting cars.

(f) At all shafts, when hoisting men or material, there must be provided a competent person at the top and bottom to have control of the admission of cars, material or persons, to the cage operating in such shaft.

Control of cars in shafts.

(g) Safety gates must be provided at the top and at any intermediate landing of a shaft, or of a slope inclined over sixty (60) degrees from the horizontal, such gates to be so constructed that when closed access to the shaft or slope will be entirely cut off; and such gates to be kept closed at all times when the rope rider or other person in charge of such landing is not present.

Safety gates.

(h) At distances not to exceed sixty (60) feet on inclined planes or slopes where men are employed during operations suitable holes for refuge must be provided, these to be cut into the strata not less than two and one-half (2½) feet deep and four (4) feet wide and five (5) feet high and level with the road. Such holes to be located at points easy of access and to be kept whitewashed.

Refuge holes.

SEC. 63. All ropes, chains, safety catches, etc., as enumerated above, must be of ample strength to support a strain equivalent to five times the maximum load, and must be kept in safe condition; and, furthermore, they

Strength and inspection of safety devices.

must be inspected at least once in twenty-four (24) hours by a competent person appointed by the superintendent for that purpose, and a record of such examinations, reporting all defects that may have been found, must be written in ink in a book kept for that purpose at the mine office. Any defects must be corrected immediately and no persons shall be lowered into or hoisted from the mine by defective apparatus; and, furthermore, all coupling links, pins and chains used on main haulage in hoisting or lowering men on a slope shall be annealed once in every three months. Pins and couplings on all other cars must be annealed once a year.

Testing
safety
catches.

SEC. 64. The following tests of safety catches on cages shall be made once every six months: The cage shall be secured by passing a heavy hemp rope through the bridle chain ring or link and fastening both ends of the ropes to guides or to diagonally opposite posts of head frame, drawing the rope taut. A blocking to be passed below the cage to support same before hoisting rope is taut. The hoisting engineer shall then slack away until the cage is suspended on the hemp rope with at least four feet of the slack hoisting rope on top of it. Everything being in readiness the hemp rope shall be suddenly cut. If the safety catches stop the cage before it rests upon the blocking, the apparatus shall be considered efficient.

Proximity of
buildings to
ventilating
fans or
main airway.

SEC. 65. No building or structure shall be erected within seventy-five (75) feet of any main ventilating fan or main entrance to or exit from main airway slope or drift, except the tipple building and trestle thereto, unless same shall be built of fireproof material, and no fires shall be allowed in or about said tipple or trestle, except it be in a fire box of a boiler: *Provided*, That this section shall not apply to any shaft or slope heretofore sunk, or to any building heretofore erected, or to prospecting or development work otherwise regulated by this act.

Men and ma-
terials not to
be hoisted
together.

SEC. 66. No person, except mine officials, cagers or repair men, shall be hoisted or lowered in a cage with a

loaded or empty car or with material of any kind on either the same or opposite cage.

SEC. 67. Not more than six (6) persons per ton of hoisting capacity shall be hoisted or lowered in any cage or car in any shaft, slope or incline at any one time: *And, provided,* That not more than one person for each three (3) square feet of floor surface shall be hoisted or lowered in any cage at any one time.

Number
limit of men
hoisted.

SEC. 68. No person or persons other than trip riders or mine officials shall be hoisted or lowered at a speed exceeding six hundred (600) feet per minute.

Speed limit.

SEC. 69. An engineer placed in charge of the hoisting engine, where men are being hoisted or lowered, must be a sober, competent person not less than twenty-one (21) years of age.

Competency
of hoisting
engineer.

SEC. 70. No person, except those whose regular duties require it, shall be allowed to ride in or on the outside of any loaded car or skip in any slope. In any mine opened after this act goes into effect, separate traveling ways shall be provided and no employee, except those whose regular duty compels them to use a slope or incline, will be allowed to walk up or down the same while they are in operation.

Riding
loaded cars.

Traveling
ways for
men.

ARTICLE VIII.

DUTIES OF OPERATORS.

SEC. 71. For the purpose of this act the superintendent or mine foreman in direct charge of the operation of any mine or mines, shall be considered as the agent of the owner or operator, and shall be held jointly responsible with the owner or operator for any failure to comply with the sections of this act governing owners, operators or agents.

Liability of
agents of
owner or
operator.

SEC. 72. Every operator of a coal mine shall make, or cause to be made, for the information of the inspection department, upon uniform blanks furnished by said department, a record of all deaths and all injuries sustained by any employees in the pursuance of their regular occu-

Record of
deaths and
injuries.

pations. These records shall be forwarded to the inspection department within one month from the time the accident occurs.

Matters of which inspector must be notified.

SEC. 73. In addition to the foregoing, immediate notice must be conveyed to the state inspection department by the management of the operating company interested: (1) Whenever a new mine is opened; (2) Whenever it is intended to abandon any mine or to reopen an abandoned mine; (3) When the workings of any mine are approaching any abandoned mine believed to contain any accumulation of water or gas; (4) Upon the accidental closing or abandonment of any regularly established passageway to an escapement outlet; (5) Upon the occurrence of any serious fire within the same; (6) When any unusual amount of or accumulation of gas is encountered; (7) Whenever any person is seriously burned by the ignition of explosive gas.

Superintendent as mine foreman.

SEC. 74. It shall be unlawful for the operator to have the superintendent to act as mine foreman, unless the superintendent holds a certificate of competency as a mine foreman issued by the state board of examiners.

Temporary mine foreman.

SEC. 75. It shall be unlawful for the operator of any mine to have in his service as mine foreman any person who does not hold a certificate of competency as mine foreman issued by the state board of examiners. Anyone holding a first-class certificate may serve as a mine foreman: *Provided*, That whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine foreman, he may employ any trustworthy and experienced man to act as temporary mine foreman for a period not to exceed thirty (30) days, and in the event that no person possession [possessing] a certificate of competency satisfactory to the mine superintendent can be found to fill the position, then the mine inspector may grant a temporary certificate to some person he may deem qualified, who may then fill the position until thirty (30) days from and after the next meeting of

the board of examiners held for the purpose of granting certificates.

SEC. 76. It shall be unlawful for the operator of any mine to have in his employ as assistant mine foreman or fire boss any person who does not hold a first or second class certificate of competency issued by the board of examiners: *But, provided,* That whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated man, he may employ any trustworthy and experienced man for a period not exceeding thirty (30) days, and in the event that no person possessing a certificate of competency satisfactory to the mine superintendent can be found to fill the position, then the mine inspector may grant a temporary certificate to some person he may deem qualified, who may then fill the position until thirty (30) days from and after the next meeting of the board of examiners held for the purpose of granting certificates.

Temporary
assistant
foreman.

SEC. 77. Underground operations shall be under the charge of a person holding a first class certificate under this act: *Provided, however,* That this section shall not apply to prospecting or exploring work where less than ten (10) men are employed underground at any one time, unless the mine inspector, by written notice served on the management of such mine, requires such mine to be under the control of a certificated mine foreman.

Certificated
foreman for
underground
operations.

SEC. 78. The operator or superintendent of every mine shall, within thirty (30) days, send notice to the mine inspector when any change occurs in the name of a mine, under the provisions of this act.

Change of
name of
mine.

SEC. 79. If any mine is worked for more than thirty (30) days without a foreman as required by this act, the operator of such mine shall be guilty of a misdemeanor and liable to a penalty not exceeding fifty dollars (\$50.00) for every day during which such mine is worked: *Provided, however,* That one foreman may act as foreman at more than one mine operated by the same company in the same camp.

Penalty for
operating
without
foreman.

Steam
boiler
inspections.

SEC. 80. All boilers used for generating steam in and about coal mines must be inspected by a qualified person once in every six months, or oftener if required by the mine inspector. The result of such inspection shall be certified in writing to the mine inspector within thirty (30) days thereafter, on blank furnished by the mine inspection department.

Failure to make such reports shall constitute a misdemeanor.

Boiler safety
devices.

SEC. 81. Every boiler must be equipped with water glasses, trycocks, steam gauge, safety valves and such other safety devices as may be required by law. All such devices must be kept in proper adjustment and their condition inspected and reported on in the same manner as provided for the boiler inspection.

Permit for
locating
boilers near
shaft.

SEC. 82. In the case of mines being developed where ten men or less are employed on one shift, the mine inspector shall, upon request of the operator, issue a written permit authorizing the placing temporarily of a boiler or boilers nearer than seventy-five (75) feet to a shaft, slope or other opening.

Duty to
test boiler
safety
devices.

SEC. 83. The engineer or fireman in charge of a boiler or boilers shall keep a constant watch over all safety devices and shall try same frequently to determine their proper adjustment. He shall immediately notify his employer of any defect.

Wash house.

SEC. 84. Whenever sixty per cent of the employees of a coal mine in this state shall petition the operator of such mine to provide a suitable wash house for their use, and shall enter into an agreement with such operator to pay for the interest on the cost, for the depreciation, maintenance and operation of such building a reasonable fee of not to exceed one dollar (\$1.00) per month per employee, for the use thereof, such operator shall provide a suitable building which shall be convenient to the principal entrance to the mine or group of mines to be used as a wash house, changing and drying room for the em-

Fees for
installation.

ployees of the mine. Such building or wash house to have sufficient floor space for the accommodation of miners or others using the same. The flooring in such wash house to be of concrete tiling or cement, and the flooring in changing room to be optional with the owner as to the material used. Lockers or some other arrangement shall be put in the changing room for the use of employees using same, and shower baths shall be provided in the wash room, one for each twenty (20) men employed on one shift. The operator shall furnish an attendant to look after the operation, ventilation, drying of clothes, and sanitary conditions of the wash house and changing rooms, the reasonable cost of which shall be paid by the employees as a part of the maintenance and operation of the building.

This section shall not apply to mines where less than twenty (20) men are employed, or to mines under development which are not on a permanent operating basis.

SEC. 85. At each and every coal mine in this state the owner or operator thereof shall, within three (3) months after this act goes into effect, provide and maintain in good condition efficient means of protection against fire at the following places, to-wit: Main entrance to hoisting shafts, slopes, permanent escapeways and ventilating fans on surface; also at all underground stables, pump rooms, hoists of more than fifty (50) horse-power, and ventilating fans delivering more than ten thousand (10,000) cubic feet of air per minute. Said means of fire protection shall consist of sufficient chemical extinguishers of approved type, or of proper hydrants, hose not less than one and one-half (1½) inch internal diameter, with suitable connections and nozzles, and pipe lines of not less than two (2) inches internal diameter, to convey water at a pressure of not less than twenty-five (25) pounds per square inch from an adequate supply of each of the aforementioned places.

Fire
protection.

At mines where open flame lamps are used at all main landings for a distance of two hundred (200) feet from the shaft or slope in all stables, pump rooms, or hoist

When
automatic
sprinklers
required.

rooms that are timbered, or where timber is used in such quantities that a fire would be likely to spread, there shall be maintained two lines of automatic sprinklers on each side of the passageway attached to not less than one and one-half (1½) inch pipes connected with the fire fighting water supply, and such sprinklers shall not be more than ten (10) feet apart.

All automatic sprinklers shall be of the fusible plug type and shall not require a temperature of more than one hundred and sixty-five (165) degrees Fahrenheit to release the water.

Timber
for props.

SEC. 86. The owner or operator of any coal mine shall provide a sufficient supply of timber at any such mine where the same is required for use as props, so that the workmen may at all times be able to properly secure their working places, and it shall be the duty of the owner or operator to send down into the mine all such props, the same to be delivered at the entrance to the working place, or as may be agreed upon between the employees and the operator.

Sales or
leases
reported to
inspector.

SEC. 87. Any mine owner transferring any coal mine shall immediately report such sale or lease to the mine inspector, giving the name or the names of the purchaser, purchasers, or lessee, and the address or addresses of the same. The purchaser, purchasers, or lessee of any such coal mine shall also immediately report to the mine inspector giving the names of the officers and superintendent of such coal mine, with their addresses.

Accidents
and
explosions.

SEC. 88. Whenever by reason of any explosion or any other accident in or about any coal mine, whereby loss of life or serious injury has occurred, or is thought to have occurred, it shall be the duty of the person having charge of the mine to give notice thereof to the mine inspector by telephone or telegraph, and if any person is killed thereby, to the coroner of the county, who shall give due notice to the mine inspector if an inquest is to be held. If the coroner shall determine to hold an inquest, the mine inspector shall be allowed to testify and offer such testi-

Coroner's
inquests.

mony as he shall deem necessary to thoroughly inform the said inquest of the cause of death, and the said inspector shall have authority at any time to appear before such coroner and jury and question or cross-question any witness, and in choosing a jury for the purpose of holding such inquest it shall be the duty of the coroner to impanel a jury no one of whom shall be directly or indirectly interested. It shall be the duty of the mine inspector upon being notified as herein provided, to immediately repair to the scene of the accident and make such suggestions as may appear necessary to secure the safety of the men, and if the results of the explosion or accident do not require an investigation by the coroner, he shall proceed to investigate and ascertain the cause of the explosion or accident, and make a record thereof which he shall file as provided for, and to enable him to make the investigation he shall have the power to compel the attendance of persons to testify, and administer oaths or affirmations. The cost of such investigation shall be paid by the county in which the accident occurred, in the same manner as costs of inquests held by coroners or justices of the peace are paid, and copies of evidence taken at inquests shall be furnished the mine inspector.

Investigation by inspector.

Costs.

SEC. 89. No steampipes, through which high pressure steam is conveyed for the purpose of driving pumps or other machinery, shall be laid on traveling or haulage ways, unless they are encased in asbestos or some other suitable material, or so placed that the radiation of heat into the atmosphere of the mine will be prevented as far as possible.

Steampipes to be encased in asbestos.

SEC. 90. When a steam locomotive is used for the purpose of hauling coal out of a mine, the tunnel or tunnels through which the locomotive passes shall be properly ventilated and kept free as far as practicable of noxious gases. The use of steam locomotives shall be prohibited in any mines opened in the state after the passage of this act, or in mines already opened that are not now using the same.

Steam locomotives in mines.

SEC. 91. In any mine or part of mine where, from the nature of the coal or method of handling the same, an undue quantity of dust is produced either on the roadways or in the working places, which may tend to cause danger of explosion, then all the haulage ways leading thereto and all the haulage roads and working places in such section of the mine, shall be thoroughly and effectively watered by some recognized and approved system of watering, or other treatment equivalent to watering. If, in the opinion of the inspector, an undue quantity of dust is produced and the method employed is not adequate or effective, he may notify the manager in writing and proceed as provided for in section 9, article II of this act: *Provided, however,* That the provisions of this section shall not apply to any mine or separate split or panel of such mine if no explosives are permitted and safety lamps are used in such separate part of a mine, unless in the opinion of the inspector this exemption would be dangerous to the persons employed in such section or part of the mine.

SEC. 92. It shall not be lawful to provide a horse or mule stable in any mine unless the same is excavated in solid rock, or built, or thoroughly lined with a fireproof material; and all openings to such stables shall be equipped with fireproof doors, free from all obstruction, which can be closed in case of fire.

No hay or straw shall be taken into any mine unless pressed and made up into compact bales, which shall be kept in a storehouse built apart from the stable and in the same manner as the stable. Under no circumstances shall the hay or straw be stored in the stable.

All permanent under-ground pump rooms must be thoroughly lined with fireproof material, unless the same are excavated in solid rock.

SEC. 93. It shall be unlawful for any mine owner, lessee or operator of coal mines in the State of Washington, employing miners at ton rates, to pass the output of coal mined by said miners over any screen or other device which will take any part from the value thereof before the

Excessive
coal dust.

Protection
against
explosion.

Stables in
mines.

Storage of
hay and
straw.

Lining of
pump rooms.

Weighing
coal before
screening.

same shall have been duly weighed and credited to the employee sending the same to the surface, and accounted for at the legal rate of weights as fixed by the laws of the State of Washington.

SEC. 94. All escapement shafts or slopes over thirty (30) degrees pitch shall be equipped with stairways or ladders having landing places or platforms at reasonable distances apart or, in lieu thereof, such hoisting apparatus as will enable the employees in the mine to make safe and speedy exit in case of danger. At all points where the passageway to the escapement shaft and other places of exit is intersected by other roadways or entries, conspicuous signboards, subject to the approval of the mine inspector, shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

Equipment of escapement shafts.

Signboards.

SEC. 95. The operator of every coal mine shall leave barrier pillars at least fifty (50) feet in width along the line of the property he operates; failure to do so shall constitute a gross misdemeanor and he shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or imprisonment of not less than six months: *Provided, however,* That nothing herein shall be construed as forbidding owners or operators of adjacent properties from extracting all the coal after they have agreed that same might be done.

Width of barrier pillars.

SEC. 96. On or before the 25th day of January in each year, the operator or superintendent of every mine shall send to the office of the state mine inspector a correct report specifying with respect to the year ending the 31st day of December preceding, containing the following:

Operator's annual report.

- Name of company.....
- Postoffice address.....
- Officers* *Name* *Address*
- President
- Manager
- General superintendent.....
- Mining engineer.....

- Superintendent
- General foreman.
- Outside foreman.
- Inside mine foreman.
- Location of mine.
- On what railroad.
- Principal market.
- Average value of coal per short ton at mine.
- Average value of coke per short ton at mine.
- Price paid per gross ton for mining.
- Are wages paid monthly or semi-monthly.
- Number of feet of gangway or entry driven.
- Also number of feet of slope or shaft driven or sunk during year.
- Scale of wages paid above ground.
- Scale of wages paid under ground in the different classes
- A report of ventilating and other important machinery installed during the year.

A report of new openings.

On or before the last day in each month, or as soon thereafter as possible to compile such data, the operator or superintendent shall also furnish the state mine inspector with a monthly report relative to the month preceding, containing the following information:

Monthly reports.

- Name of company.
- Name or number of mine.
- Location of mine.
- County

REPORT IN SHORT TONS.

- No. tons of coal shipped.
- No. sold to employees and local trade.
- No. used for power.
- No. charged into ovens for coke.
- Total production of coal.
- Total production of coke.
- No. days operated.
- No. inside employees.

- No. outside employees.....
- No. killed.....
- No. injured.....
- No. widows.....
- No. orphans.....

The operator or the superintendent who fails to comply with the provisions of this section shall be deemed guilty of a misdemeanor. Penalty.

SEC. 97. The operator shall provide that all mechanical haulage roads, driven after this act takes effect, where separate traveling ways are not maintained, where general clearance is less than two and one-half (2½) feet on one side shall be provided with shelter holes not more than sixty (60) feet apart, giving clearance not less than three (3) feet wide and four (4) feet high along the road. They shall be kept whitewashed. Shelter holes.

SEC. 98. All machinery used in or about any mine that when in motion would be dangerous to persons coming in contact therewith, such as engines, wheels, screens, shafting, gears and belting, shall be guarded by covering or railing to prevent persons from walking or falling against same. All sides of stairs, trestles and platforms around mines shall be provided with hand and guard railing to prevent persons from falling over the sides. Safeguarding machinery and stairways.

ARTICE IX.

DUTIES OF OFFICIALS.

SEC. 99. The superintendent shall, at least once every week, read, examine carefully and counter-sign all reports entered in the mine record book by the mine foreman, and if he finds on such examination that the law is being violated in any particular, he shall order the mine foreman to stop such violation forthwith, and shall see that his order is complied with. Superintendent's duties.

SEC. 100. The superintendent shall not obstruct the mine foreman or other officials in the fulfillment of any of their duties, as required by this act, but he shall direct that Supervision of officials.

the mine foreman and all other employees under him comply with the law in all its provisions.

Visits to
working
places.

SEC. 101. It shall be the duty of every mine superintendent to visit, or to have his assistant superintendent visit every working place in every mine under his charge once every sixty (60) days: *Provided*, That the mine foreman shall not be considered as the assistant to the superintendent for this purpose.

Operator's
duties.

SEC. 102. The operator shall keep on hand at the mine a supply of the printed rules and notices and record books required by this act. He shall see that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept in such condition that they will always be legible.

Foreman's
duties.

SEC. 103. The mine foreman shall keep a careful watch over the ventilating apparatus, the ventilation, airways, traveling ways, timbering and drainage, and shall see that all stoppings along the airways are properly built. He shall also see that the proper crosscuts or breakthroughs are made in the pillars of all chutes, breasts, rooms, gangways, entries and levels, in accordance with this act, and that they are closed when necessary so that the ventilating current can be conducted in sufficient quantities through the last crosscut or breakthrough and to the working places by means of brattices or other devices, and all other duties pertaining to the safety of the men, as provided for in this act.

Has charge
of workings
and
employees.

SEC. 104. The mine foreman shall have charge of all inside workings and of the persons employed therein, in order that all of the provisions of this act as far as they relate to his duties concerning the safety of the mine and the persons employed therein be complied with, and the regulations prescribed for each class of workmen under his charge be carried out in the strictest manner possible.

Daily
record of
condition of
mine.

SEC. 105. The mine foreman shall each day write and sign with ink in a book provided for that purpose, a report of the general condition of the mine, which report

shall clearly state any unusual danger that may have come under his observation during the day, or any unusual danger reported to him by his assistants, or by the fire bosses. The report shall also state the manner in which the requirements of the law are not complied with.

He, or his assistant, shall also once each week enter plainly with ink in said book a true report of all air measurements required by this act, designating the place, the area of each breakthrough and entry separately, the velocity of the air in each breakthrough and entry, and the number of men employed in each separate split of air, with the date when measurements were taken. Said book shall at all times be kept in the main office at the mine for examination by the inspector and by any persons working in the mine. Such examinations made by others than inspectors shall be in the presence of the superintendent or mine foreman.

Record of
air meas-
urements.

The mine foreman shall also each day read carefully and countersign in ink all reports entered in the fire bosses' book.

Countersign
fire bosses'
book.

SEC. 106. In order that men may familiarize themselves with escapements to be used in case of accidents, it shall be the duty of the mine foreman to cause all miners and other underground employees to walk or climb to or from their working places to the surface by way of one of the traveling ways, escapements, or outlets, at least once every six months.

Drill in use
of escape-
ments.

SEC. 107. When operations are temporarily suspended in a mine, the mine foreman shall see that a danger sign is placed across the mine entrance, which sign shall be sufficient warning for persons not to enter the mine. If the circulation of air through the mine be stopped, each entrance to said mine shall be fenced off in such manner as will ordinarily prevent persons from entering said mine, and a danger sign shall be displayed upon said fence at each entrance. The mine foreman shall see that all danger signs used at the mine are in good condition, and if they

When
danger
signs to
be posted.

become defective he shall cause same to be repaired, or notify the superintendent.

Withdrawal of men for interrupted ventilation.

In case of accident to a ventilating fan or its machinery whereby the ventilation in a mine is, or is about to be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and he shall not allow them to return to their work until the ventilation has been restored and the mine has been thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

Removal of dangerous conditions.

SEC. 108. Whenever any dangerous condition is known to exist, or is reported by others to the mine foreman, he shall give prompt attention to its removal, and in case it is impracticable to remove the danger at once, he shall notify every person whose safety is menaced thereby to remain away from the place that the dangerous conditions affect. He or his assistant shall once each week travel and examine all the air courses and traveling ways, and in addition all the openings that give access to old workings or falls. He shall record and sign in ink in a book provided for that purpose the results of these weekly examinations.

Weekly examination of air courses and traveling ways.

Precautions against gas and water.

SEC. 109. In any working place that is being driven within supposedly dangerous proximity to an abandoned mine suspected of containing explosive gases, or that may contain a dangerous accumulation of water, the mine foreman shall see that at least one bore hole shall be maintained not less than twenty (20) feet in advance of the face; and in a seam of coal on either side of the bore hole, flank holes shall be driven not less than twelve (12) feet in advance, and any place driven to tap water or gas shall not be more than eight (8) feet wide.

Checking fire bosses.

SEC. 110. The mine foreman shall see as often as practicable that the fire boss has left his mark, as required by this act, in places examined or reported examined.

Visits to each shaft.

SEC. 111. The mine foreman, his assistant, or fire boss, shall visit each working place once each shift while

the employees are at work, and in addition thereto shall give special care, oversight and attention to the men drawing pillars.

SEC. 112. It shall be the duty of the mine foreman, or his assistant, in case of injury to employees while at work in the mine, to at once visit the scene of the accident, see that the injured person or persons are given all the aid that can possibly be given which will add to their comfort and safety. After being treated with all the skill known to the foreman or his assistant, the injured person or persons shall be carefully wrapped up and taken to their homes or the hospital.

Care of
injured
workmen.

SEC. 113. It shall be the duty of the fire boss to examine carefully not more than three (3) hours before a first shift enters the mine, every working place in his charge in which men have not been employed at the working face within ninety (90) minutes previous to the starting time of such shift all open places adjacent to live workings, and every unfenced road to abandoned workings. He shall see that the air current is traveling in its proper course. In making the examination he shall use no other than an approved safety lamp. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after each examination he shall leave at or near the working face of every place examined the date of the examination as evidence that he has performed his duty.

Duties of
fire boss.

SEC. 114. At the entrance to and in crosscuts or breakthroughs to any working place where explosive gas is discovered or where there is immediate danger found to exist from any other cause, the fire boss shall place a danger sign, which shall be sufficient warning for persons not to enter.

Danger
signs for
explosive
gas.

The danger sign shall consist of a lagging, board or piece of timber, or other obstruction, placed across the entrance to the working place, and in crosscuts and breakthroughs open to such working place, so that it is dis-

tinctly visible and marked plainly showing that danger exists beyond.

Discoveries
of gas
bulletined.

Office
record.

SEC. 115. Each fire boss shall, immediately after making his inspection and before the employees are allowed to enter the mine, report on a bulletin board provided for that purpose at the entrance to the mine, a true record of such inspection, designating each place where gas is found, also that all other places are clear. A like report of such inspection shall immediately be made by the fire boss, with ink, in a book kept for that purpose at the mine office on the surface, and in addition shall set forth the time of the inspection, the reason for the presence of any danger found, the means taken and by whom for the removal of same. If explosive gas is found the report shall show as near as possible the amount found, and time the place was clear. The fire bosses' record shall, at all times, be accessible to the mine inspector or his deputy, and to the employees of the mine in the presence of a mine official. The fire boss, mine foreman, or his assistant must re-examine all places in which gas is reported in advance of employees working in such places. After making such examination he shall personally direct the removal of said gas or other danger. Gas shall not be removed by brushing.

Employment
of skilled
shot firers.

SEC. 116. In all parts of a mine where explosive gas is being generated, or dust exists in such quantities as to be dangerous or liable to cause an explosion from blowout or windy shots, there shall be employed a sufficient number of competent persons to act as shot firers, whose duty it shall be to fire all shots properly placed by the miners, and refuse to fire any shots improperly placed. No blasts in such part of a mine shall be fired by any other person than a shot firer, fire boss or foreman. Incombustible material for tamping must be used for that purpose, and the mine foreman shall supply same at convenient places inside the mine. Under no circumstances shall coal dust or any other combustible material be used for tamping. Each shot firer shall report to the fire boss, mine foreman, or his assistant, every shot that he has refused to fire, every blown

out shot, and every shot that has missed fire, and a record shall be kept of same.

SEC. 117. No shot firer or any other person shall fire a shot in any working place if he can detect explosive gas in the place. In dusty mines no shot shall be fired unless the place in which the shot is to be fired is thoroughly wetted or otherwise treated to prevent the existence of any dust for a distance of not less than one hundred (100) feet from the shot to be fired. Shot firing.

ARTICLE X.

MINE RESCUE EQUIPMENT.

SEC. 118. Within one year after this act goes into effect, every mine employing as many as twenty (20) underground men, shall have and maintain ready for use at all times, at least three (3) sets of mine rescue apparatus, and one reviving device, of a type approved by the U. S. bureau of mines. Rescue and reviving apparatus.

For each one hundred (100) underground men in addition to the first twenty (20), one additional apparatus shall be maintained, up to six (6) sets.

At every mine where mine rescue equipment is maintained, supplies for same shall be kept on hand to last at least twenty-four (24) hours. The superintendent of the mine, or some person designated by him for that purpose, shall examine each apparatus once each month and report the condition of same, also the amount of supplies on hand at the time of such examination. This report shall be made in writing by the person making the examination and a record of same shall be kept at the mine office and shall be accessible to the mine inspector or his deputy at all times. Necessary supplies.

Whenever two or more mines are operated by the same company within a radius of seven (7) miles, they shall be considered as one mine. However, mines within a radius of seven (7) miles and connected by a wagon road or railroad, may agree to equip and maintain one central station at which there shall not be less than six (6) apparatuses and Central stations for several mines.

one reviving device; when more than four (4) mines are associated at one central station, an additional machine must be added.

Stretchers.

SEC. 119. The operator or superintendent of every mine employing from five (5) to fifty (50) persons, shall provide and keep in good condition near the principal entrance to the mine, one stretcher. When more than fifty (50) persons are employed, they shall keep at least two stretchers. These stretchers shall be used for conveying to his abode, or to the hospital if necessary, any person who may be injured while in the discharge of his duties.

Blankets.

SEC. 120. Suitable woolen blankets shall be kept on hand for each stretcher.

Bandages,
splints and
medical
supplies.

SEC. 121. At all times there shall be provided bandages, splints, and other medical supplies, to render first aid and relief to employees who may be injured. These supplies shall be kept in a suitable room near the entrance to the mine.

First aid
supplies.

SEC. 122. At each working level, or entry, of every mine in this state, the operating company shall maintain a box of first aid supplies equivalent to the American Red Cross (industrial) first aid box. If these boxes are kept locked, the keys shall always be near at hand and plainly visible. Such keys may be kept under glass as a fire alarm box key is kept. Additional keys may be given to employees selected by the mine foreman on each level or working section of the mine. The foreman shall keep a list of those who have keys in their possession posted on the (industrial) first aid box nearest their working places. In addition to the above first aid boxes, the operating company of each mine shall furnish each driver or motorman with a metallic covered packet equivalent to those sold by the American Red Cross. At all times when they are underground or at their respective places of employment, said drivers or motormen shall have the metallic packets in their possession. Failure of the operator to provide the supplies required by this section shall constitute a misde-

meanor. Any person destroying or stealing any of the first aid supplies shall be guilty of a misdemeanor.

ARTICLE XI.

POWDER AND EXPLOSIVES.

SEC. 123. Every person who has powder or other explosives in a mine shall keep the same in a proper, closed receptacle. Said receptacle shall be kept as far as practicable from the track or chute; and all powder receptacles shall be kept as far as practicable from each other, and each in a secluded place. Detonators shall at all times be kept in securely closed cases, separate and apart from other explosives, until required for use.

Safe-guarding explosives.

SEC. 124. Whenever a workman using an open light is about to open a receptacle containing explosives, and while handling the explosives, he shall place and keep his lamp at least five (5) feet distant from said explosive and in such position that the air currents cannot convey sparks to it, and at such time no person shall approach nearer than five (5) feet to any explosive with an open lamp, lighted pipe, or anything containing fire, except safety lamps, unless such explosive is contained in a proper closed receptacle. No miner, workman, or other person shall open any receptacle containing an explosive except in the manner prescribed by the manufacturer thereof, and it shall be unlawful for any person to have in his possession in any mine any receptacle containing explosives which has been opened in violation of this act.

Use of lamps and lighted pipes near explosives.

Opening receptacles of explosives.

SEC. 125. No high explosive shall be stored in any mine and no more shall be taken into any mine at any one time, by any person, than is required in one shift. The quantity used shall be subject to the approval of the mine inspector.

High explosives.

SEC. 126. No person shall fire a dependent shot in the coal as hereinafter defined. A dependent shot is a shot dependent on another shot so placed as to make an opening sufficient for the dependent shot to do its work

Firing dependent shots.

properly. At mines where solid shooting is allowed the opening shot shall be fired first and no dependent shot shall be fired at that time. In no case shall more than one kind of explosive be used in the same drill hole: *Provided*, That in any mine where the coal bed worked is less than three (3) feet between walls and no gas or dust is present, where it can be shown to the satisfaction of the mine inspector that the above rule would prohibit the operating company to mine the coal at a profit, the mine inspector may grant him a permit to suit his conditions.

Permits to vary rule.

SEC. 127. Black powder for use in mines shall be put up in metallic cans or canisters, or receptacles of equally safe material. No black powder, high explosive, or detonators shall be hauled on any electric motor trip in any mine, unless the same are encased in non-conductive boxes or receptacles: *Provided*, That they may be hauled in non-conductive car.

Black powder, how handled.

No black powder, other than that taken by each man for his own use, shall be hauled on man trips.

SEC. 128. The needle used in preparing a blast of black powder shall be made of copper, and the tamping bar shall be tipped with at least five (5) inches of solid copper. All other explosives where a cap or detonator is used for the purpose of exploding the blast, shall be tamped with a wooden tamping bar. In no case shall iron or steel or other metal that is liable to cause a spark while tamping, be used for the purpose of tamping any explosive. Neither shall a scraper be used for tamping. It shall be unlawful for any person to have in his possession in the mine underground, any iron or steel needle or tamping bar not tipped as above required.

Tamping bars.

No hole shall be drilled more than six (6) feet in depth for the purpose of blasting: *Provided, however*, That where mining machines are used holes may be drilled to the depth of the cut.

Depth of blast holes.

Any violation of this section shall be a misdemeanor and the offender shall be punished under the provisions of this act.

Penalty for violations.

SEC. 129. Each person, firm or corporation, engaged in coal mining, requiring the use of powder or other explosives, shall provide (subject to the approval of the mine inspector) at or near the entrance of each coal mine operated, at some suitable place near such work, a suitable distributing magazine for the storage of such powder or other explosives. There shall be posted upon such magazine a notice printed in letters not less than three (3) inches in height, that such magazine contains explosives. No person shall store or keep in any magazine mentioned in this section, any powder or other explosive in excess of one ton. Such powder or other explosives shall be issued daily in quantities not to exceed the amount used by each workman in one shift, in proper receptacles. Any miner taking powder into the mine and having to return the same on account of not being able to work, may return the same to the operator and the operator shall receive it. Any person or corporation violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

Storage of
explosives.

Issuance of
explosives to
workmen.

SEC. 130. Any person who shall store or keep any powder or other explosive in a quantity greater than one pound in any occupied dwelling house or residence, or in any out-house appertaining thereto, within three hundred (300) feet of any dwelling, shall be guilty of a misdemeanor.

Penalty for
keeping
explosives in
residence or
out-house.

ARTICLE XII.

SAFETY LAMPS.

SEC. 131. In every working of a coal mine approaching any place where there is likely to be an accumulation of explosive gases, or in any working place where there is imminent danger from explosive gases, no light or lamp other than a magnetic locked safety lamp or electric lamp shall be allowed or used, except by superintendents, shot lighters or other certified men, who may use such lamps as may be approved by the mine inspector.

When safety
lamps to be
used.

Whenever safety lamps are required in any mine they shall be the property of the owner of said mine, and a

Examination
before use.

competent person who shall be appointed for that purpose shall examine every safety lamp immediately before it is taken into the workings for use and ascertain it to be clean, safe and securely locked; and safety lamps shall not be used until they have been examined and found safe, clean and securely locked.

Open lights.

SEC. 132. At mines where the danger from explosive gas requires the use of safety lamps, no open lights shall be used in that part or district of the mine where safety lamps are in use.

Penalty for tampering with lamps or using other lighting devices.

SEC. 133. In any mine where locked safety lamps are used, any person other than those authorized by this act, opening or tampering with one of said safety lamps, or found with matches or any lighting device other than safety lamps, shall be guilty of a misdemeanor and upon conviction thereof he shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisonment for a term of not more than one year: *Provided, however,* This shall not prohibit the use of any flame used in making repairs to any machinery or wires when such repairs are made on the intake air.

Penalty for failure to use safety lamps.

SEC. 134. For the violation of any provisions of section 131 and 132, the operator or employee of any mine shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), and in addition thereto the mine inspector shall have authority and it shall be his duty to close such mine until the provisions of this act shall be complied with.

Appeals to mining board.

SEC. 135. The operator of any mine may appeal to the mining board when in his judgment the order of the mine inspector to place a mine on safety lamps is unreasonable. The decision of the board shall be final.

Number required.

At every mine in this state the operator shall provide and maintain in condition for use, not less than four (4) approved safety lamps.

ARTICLE XIII.

SHAFT SINKING.

SEC. 136. Any shaft or other opening in process of opening or driving for the purpose of mining coal shall be subject to the inspection of the mine inspector.

Shaft driving to be inspected.

SEC. 137. Over every shaft that is being sunk, or that shall hereafter be sunk, there shall be a safe and substantial structure erected to support the sheaves or pulleys at a height of not less than twenty-five (25) feet above the tipping place. The landing platform of such shaft shall be so arranged that material cannot fall down the shaft while the bucket is being emptied or taken from the hoisting rope. If provisions are made to land the bucket on a truck, said truck and platform shall be so arranged that material cannot fall into the shaft.

Prevention of falling material.

SEC. 138. Rock or coal shall not be hoisted except in a bucket or on a cage when men are in the bottom of a shaft, and said bucket or cage must be connected to the hoisting rope by a safety hook or clevis or other safety attachment, and said bucket shall be so arranged that there will be no danger of its tipping over while the bucket is being hoisted or lowered. The rope shall be fastened to the side of the drum, and not less than three coils of rope shall always remain on the drum. In shafts over one hundred (100) feet in depth, such shafts shall be provided with guides and guide attachments applied in such manner as to prevent the bucket from swinging while descending or ascending, and such guide or guide attachments shall be maintained at a distance of not more than seventy-five (75) feet from the bottom of such shaft, until its sinking shall have been completed.

Hoisting methods.

SEC. 139. Whenever persons are employed on platforms in shafts the person in charge must see that said platforms are properly and safely constructed and secured.

Shaft platforms.

SEC. 140. Where the strata are not safe, every shaft level shall be securely cased, lined, or otherwise made se-

Shaft level to be made secure.

cure, and the person in charge shall see that all loose rock or other material on the sides of the shaft, or on the timber in the shaft, shall not be allowed to remain on said timber or sides of the shaft after each blast.

Examination
for gas.

SEC. 141. Where explosive gas is encountered in sinking shafts, the person in charge shall see that the shaft is examined before each shift of men enters to work and before the men descend after each blast. All blasts in shaft sinking shall be exploded by an electric battery placed on the surface.

Blasts ex-
ploded by
electric
battery.

Ventilation.

SEC. 142. Provision shall be made for the proper ventilation of shafts while they are being sunk.

Restriction
on riding
buckets.

SEC. 143. Not more than four (4) persons shall be hoisted or lowered in or on a bucket in a shaft at one time, and no person shall ride on a loaded bucket.

ARTICLE XIV.

RULES FOR THE INSTALLATION OF ELECTRICITY.

Compliance
with rules.

SEC. 144. The operator, superintendent, or mine foreman in charge of any coal mine in which electricity is used as a means of power, shall, within six (6) months after the passage of this act, comply with the following rules:

DEFINITIONS.

Electrical
terms
defined.

Potential: The terms "potential" and "voltage" are synonymous and mean electrical pressure.

Difference of Potential: The expression "difference of potential" means the difference of electrical pressure existing between any two points of an electrical system, or between any point of such system and the earth, as determined by a volt meter.

Potential of a Circuit: The potential or voltage of a circuit, machine, or any piece of electrical apparatus, is the potential normally existing between the conductors of such circuit or the terminals of such machine or apparatus.

(a) Where the conditions of the supply of electricity are such that the difference in potential between any points

of the circuit does not exceed three hundred (300) volts, the supply shall be deemed a low voltage supply.

(b) Where the conditions of the supply of electricity are such that the difference in the potential between any two points in the circuit may at any time exceed three hundred (300) volts, but does not exceed six hundred (600) volts, the supply shall be deemed a medium voltage supply.

(c) Where the conditions of the supply of electricity are such that the difference of potential between any two points in the circuit exceeds six hundred (600) volts, the supply shall be deemed a high voltage supply.

Grounding: Grounding any part of an electric system shall consist in so connecting such part to the earth that there shall be no difference of potential between them.

Underground Station: An underground station is herein considered as any place where electrical machinery is permanently installed.

SEC. 145. All metallic coverings, armoring of cables other than trailing cables, and, where installed underground, the frames and bed-plates of generators, transformers and motors, other than low voltage portable motors, shall be efficiently grounded, as shall also the neutral wire of three wire continuous current systems. Necessary grounding.

SEC. 146. No higher voltage than medium voltage shall be used underground, except for transmission or for application to transformers, or other apparatus, in which the whole of the high voltage circuit is stationary. Voltage in underground workings.

In gaseous mines, high voltage transmission cables shall be installed in the intake airways only, and high voltage transformers shall be installed only in suitable chambers ventilated by the intake air which has not passed through or by a gaseous district.

All high voltage machines, apparatus, and lines shall be so marked as to clearly indicate that they are dangerous by the use of the word "danger" placed at frequent intervals.

Material
used in
switch-
boards.

SEC. 147. Switchboards: Main and distribution switch and fuse boards, underground, shall be made of incom-
bustible insulating material, such as marble or slate, free
from metallic veins, and be fixed in as dry a situation as
practicable.

Insulating
material.

SEC. 148. Precaution Against Shock: Gloves or mats
of rubber or other suitable insulating material shall be pro-
vided and used by persons so engaged when repairs are
made to the live parts of any electrical apparatus, or
when the live parts of electrical apparatus have to be
handled for the purpose of adjustment.

Interference
with
electrical
system.

SEC. 149. Any person who shall wilfully damage, or,
without authority, alter or make connection to any por-
tion of a mine electrical system, shall be guilty of a mis-
demeanor.

Defects to
be reported.

SEC. 150. Report of Defective Equipment: In the
event of a breakdown, or of damage or injury to any por-
tion of the electrical equipment of a mine, or of overheat-
ing, or of the appearance of sparks or arcs outside of en-
closing casings, or in the event of any portion of the
equipment, not a part of the electrical circuit, becoming
alive, every such occurrence shall be promptly reported to
the person in charge of the electrical equipment.

Installation
of equip-
ment.

SEC. 151. Underground Stations and Transformer
Rooms: Switchboards: All switches, circuit breakers,
rheostats, fuses and instruments used in connection with
underground motor-generators, rotary converters, high
voltage motors, transformers, and low and medium voltage
motors of more than fifty (50) horsepower capacity, shall
be installed upon a suitable switchboard, or its equivalent.
Similar equipment, for low and medium voltage motors of
fifty (50) horsepower and less, may be separately installed
if mounted upon installing bases of slate or equivalent in-
sulating material.

Passage-
ways at
switch-
boards.

In underground stations where switchboards are in-
stalled, there shall be a passageway in front of the switch-
board not less than five (5) feet in width, and if there are

any high voltage connections at the back of the switchboard, any passageway behind the switchboard shall not be less than three (3) feet clear.

Unauthorized Persons: No person other than one authorized by the mine foreman shall enter a station or transformer room, or interfere with the workings of any apparatus connected therewith.

Entrance denied unauthorized persons.

Fire Equipment: Fire equipment of an approved type shall be kept in electrical stations and transformer rooms, ready for immediate use in extinguishing fires.

Fire extinguishers.

SEC. 152. Transmission Circuits and Conductors: Power and Light Circuits: All high pressure wires used inside of the mines shall be in the form of insulated, lead covered or armored conductors, subject to insulation tests, and with carrying capacity according to the rules of the National Board of Fire Underwriters.

Insulation.

Medium or low pressure conductors may be bare, except in gaseous portions of the mines, where they may be used only on intake air. No bare conductors shall be used in rooms, or beyond the last cut-through in intake entries.

All underground cables and wires, other than trailing cables, unless provided with grounded or metallic covering, shall be supported by means of efficient insulators. Conductors connecting lamps to the power supply shall in all cases be insulated.

Main Circuits: Every main circuit coming from generating or transformer stations shall there be provided with switches, fuses or circuit breakers.

Circuit breakers.

In any gaseous mine, or gaseous portion of a mine, the electrical supply shall be brought underground only through such portions of the mine as are ventilated by the intake air, unless in lead incased cables.

Grounded Circuits: One side of the grounded circuits shall be very effectively insulated from earth.

Underground Trolley: In underground roads the trolley wires shall be securely supported on hangers placed at such intervals that the sag between points of support shall not exceed three inches. The sag between points of support

Trolley height and guards.

can exceed three inches if the height of the trolley wires above the rail is five (5) feet or more and does not touch the roof when the trolley passes under.

In underground haulage roads where the potential is higher than low voltage, all trolley or other bare power wires which are placed less than six and one-half (6½) feet above the top rail, shall be efficiently protected. This protection shall consist in placing boards along the wire, which shall extend below it, or the use of other approved devices that will afford the same protection: *Provided*, That this rule shall not apply to entries or gangways already driven where the height is less than five (5) feet above the lower rail.

All low pressure trolley wires must be guarded in front of loading chutes, slants, landings and partings where men are required to regularly work or pass under same.

Switches on
branch
trolleys.

All branch trolley lines shall be fitted with an automatic trolley switch or section insulator and line switch, or some other device that will allow the current to be shut off from such branch headings.

Conductor
joints.

Joints in Conductors: All joints in conductors shall be mechanically and electrically efficient, and wherever it is possible to do so, they shall be soldered. Wherever the conductors cannot be soldered together, suitable screw clamps or connectors shall be used. All joints in insulated wire shall, after the joint is complete, be re-insulated to at least the same extent as the remainder of the wire.

Where lead covered or armored cable is used, the lead or armor shall be electrically continuous throughout and shall be efficiently grounded.

Protection
of cable
ends.

Cables Entering Fittings: The exposed end of cables where they enter fittings of any description, shall be so protected and finished off that moisture cannot enter the cable, or the insulating material, if of an oily or viscous nature, leak.

Bushings.

Where unarmored cables or wires pass through metal frames, or into boxes or motor casings, the holes shall be substantially bushed with insulating bushings, and, where

necessary, with gas tight bushings which cannot readily become displaced.

Joints in Cables: Where cables other than signal cables are joined, suitable junction boxes shall be used, or the joints shall be soldered and the insulation, armoring, or lead covering replaced in at least as safe a condition as it was originally. Cable joints.

Power Wires and Cables in Shafts: All power wires and cables in hoisting shafts or manway compartments shall be highly insulated and substantially fixed in position. Cables and power wire insulation.

Cables and wires, unless provided with metallic coverings shall not be fixed to walls or timbers by means of insulated fastenings.

Trailing Cables: Trailing cables for portable machines shall be especially flexible, heavily insulated and protected with extra stout braiding, hose pipes or other equally effective covering. Trailing cables protected.

Each trailing cable in use shall be daily examined by the machine operator, for abrasions and other defects, and he shall also be required to carefully observe the trailing cable while in use, and shall at once report any defect to the person in charge of electrical equipment. Daily examination.

In gaseous portions of a mine a fixed terminal box shall be provided at the points where trailing cables are attached to the power supply. This terminal box shall be flame-proof and shall contain a switch and fuse on each pole of the circuit. The switch shall be so arranged that it can be operated only from without the box, when the latter is completely closed, and the switch shall also be so constructed that the trailing cables cannot be attached or removed when the switch is closed. Terminal box.

SEC. 153. Switches, Fuses and Circuit Breakers: Operation and Capacity: Fuses and automatic circuit breakers shall be so constructed as effectually to interrupt the current on short circuit, or when the current through them exceeds a predetermined value. Circuit breakers.

Circuit breakers shall be adjusted to trip at from fifty (50) per centum to one hundred and fifty (150) per centum

of their normal rated capacity, and provided with an indicator which shall show at what current the circuit breaker is set to trip.

Fuses. Fuses shall be stamped or marked, or shall have a label attached indicating the maximum current which they are intended to carry. Fuses shall only be adjusted or replaced by a competent person authorized by the mine foreman.

Breakers on feeder circuits. Feeder Circuit Breakers: Circuit breakers used to protect feeder circuits shall be set to trip when the current exceeds by more than fifty (50) per centum the current carrying capacity of the feeder. In case the feeder is subjected to overloads sufficient to trip the circuit breaker, but of short duration, the circuit breaker may be equipped with a device which shall prevent its acting unless the overload persists for a longer period than ten seconds.

Bases. Bases: All switches, circuit breakers and fuses shall have incombustible bases.

Switches. Switches: All points at which a circuit, other than a signal circuit, has to be made or broken, shall be provided with proper switches. The use of hooks or other make shifts is prohibited, except that connection for gathering locomotives, or locomotives and machines used in driving headings or rooms, may be made to the trolley by means of suitable hooks; switches shall be so installed that they cannot be closed by gravity. In any gaseous portions of a mine switches, circuit breakers or fuses shall not be of the open type, but must be enclosed in explosion proof castings, or break under oil.

Protection of stationary motors. SEC. 154. Stationary Motors: Every stationary motor underground, together with its starting resistance, shall be protected by a fuse or circuit breaking device on at least one pole for direct current, and all poles for alternating current motors, and by switches arranged to entirely cut off the power from the motor. The above devices shall be installed in a convenient position near the motor.

Motors in Gaseous Mines: In any gaseous portions of a mine, all motors, unless placed in such rooms as are sep-

arately ventilated with intake air, shall have all their current carrying parts, also their starters, terminals and connections, completely closed in explosion-proof enclosures made of non-inflammable materials. These enclosures shall not be opened except by an authorized person, and then only when the motor is switched off. The power shall not be switched on while the enclosures are open.

No coal-cutting machine shall be continued in operation in a gaseous portion of a mine for a longer period than half an hour without an examination being made for gas, and if the gas is found the current shall at once be switched off the machine, and the trailing cable shall be forthwith disconnected from the power supply.

Half hourly examination for gas.

The person finding gas shall at once report the fact to the fire boss or mine foreman, and the machine shall not again be started in such place until the fire boss, or a person duly authorized by the mine foreman has examined it and pronounced it safe.

Gas to be reported.

The person in charge of a coal cutter or drilling machine shall not leave the machine while it is working, and shall, before leaving the working place, see that the current is cut off from the trailing cables.

Coal cutting machines.

In any gaseous portion of a mine if any electric sparking or arc be produced outside of a coal-cutting or other portable motor, or by the cable or rails, the machine shall be stopped and not worked again until the defect is repaired, and the occurrence shall be reported to an official of the mine.

Stoppage for electric sparking.

SEC. 155. Electric Locomotives: Trolley System: Electric haulage by locomotives operated by a trolley wire is not permissible in any gaseous portions of a mine, except upon the intake air.

Use of electric locomotives.

In no case shall the potential used in the trolley system be higher than medium voltage. In mines opened after the passage of this act, or mines that are now operating where electricity is not used, when the power is not taken from a station now operating at a mine now operating, the potential shall not be higher than low voltage.

Enclosure
of storage
batteries.

Storage Battery System: Storage battery locomotives shall be used in gaseous mines only when the boxes containing the cells and all electrical parts are enclosed in flame-proof casings.

Incandescent
lamps.

SEC. 156. Incandescent Lamps: In all mines the sockets of fixed incandescent lamps shall be of the so called "weather-proof" type, the exterior of which shall be entirely non-metallic. Flexible lamp cord connections are prohibited.

Incandescent lamps shall not be used in gaseous mines, except under the conditions where trolley locomotives are allowable.

Electric
shot-firing.

SEC. 157. Shot-Firing by Electricity: Shot-Firing Circuits: Electricity from any grounded circuit shall not be used for firing shots.

When shot-firing cables or wires in the vicinity of power or lighting conductors, special precaution shall be taken to prevent the shot-firing cables or wires from coming in contact with the light, power or any other circuits.

Shot-Firers: Only competent persons who have been properly instructed and duly authorized by the mine foreman shall be allowed to fire shots electrically in any mine.

Electric Detonators: All electric detonators and leads thereto shall be suitable for the conditions under which the blasting is carried on, and shall be of a type approved by the testing station of the federal bureau of mines. Detonators shall be kept in a dry place and never stored with any other explosive.

Portable Firing Machines and Batteries: Portable shot-firing machines, sometimes called generators, shall be enclosed in a tightly constructed case when employed in any portion of the mine. All contacts, when made or broken, shall be within the case except that the binding posts for making connections to the firing leads may be outside.

No firing machine or battery shall be connected to the shot-firing leads until all other steps preparatory to the

firing of a shot have been completed, and all persons have moved to a place of safety, and no person other than the shot-firer shall make such connection.

Disconnecting of Leads: Immediately after the firing of a shot, the firing leads shall be disconnected from the supply or source of electricity, and no person shall approach a shot which has failed to explode until the firing leads have been so disconnected by the shot-firer from the device and an interval of five (5) minutes has elapsed since the last attempt to fire the shot.

Special Systems: The use of special electrical shot-firing systems, or equipment not covered by the foregoing, shall receive the approval of the testing station of the federal bureau of mines.

SEC. 158. Electric Signallings: Precautions: All proper precautions shall be taken to prevent electric signal and telephone wires from coming into contact with the other electric conductors, whether insulated or not. Signalling equipment.

Character of Equipment: Bells, wires, insulators, contact-makers, and other apparatus used in connection with electric signalling underground, shall be of suitable design, of substantial and reliable construction, and erected in such a manner as to reduce the liability of failure or false signals to a minimum.

Maximum Potential: In any gaseous portion of a mine, the potential used for signal purposes shall not exceed twenty-four (24) volts, and bare wires shall not be used for signal circuits except in haulage roads.

ARTICLE XV.

HOURS OF LABOR.

SEC. 159. It shall be unlawful for any person, firm or corporation operating any coal mine within the State of Washington, to cause any employee to remain at his place of work where the same is situated underground, for more than eight (8) hours, exclusive of one-half ($\frac{1}{2}$) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person, firm or corporation, or agent Eight hour day.

Penalty for violation by employers.

of any person, firm or corporation, violating the provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

Penalty for violation by workman.

SEC. 160. It shall be unlawful for any person in the employ of any person, firm or corporation operating any coal mine within the State of Washington, to wilfully remain at or in his working place, where the same shall be underground, to exceed eight (8) hours, exclusive of one-half (1/2) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense.

Excepted class of employees.

SEC. 161. The provisions of sections 159 and 160 shall not apply to, or prohibit engineers, rope riders, motormen, cagers or others necessarily employed in transporting men in and out of the mine.

Necessary extra hours.

Provided, however, That all persons so employed shall not work more than ten (10) hours in any one calendar day: *And, provided further,* That this act shall not be construed to prohibit extra hours of employment underground necessitated by a weekly change of shift, or where rendered necessary by reason of making unavoidable repairs, or for the protection of human life.

Enforcement.

SEC. 162. It shall be the duty of the mine inspector to enforce the provisions of this article.

ARTICLE XVI.

GENERAL RULES.

Use and storage of oil and grease in mine.

SEC. 163. It shall be unlawful to oil or grease any cars inside of any mine, unless the place where said oil or grease is used is thoroughly cleaned at least once every day to prevent the accumulation of waste oil or grease on the roads or in the drains at that point. Not more than one barrel of lubricating oil shall be permitted in any

mine at one time, and it shall be kept in a fireproof building, cut out of solid rock, or made of masonry or concrete of sufficient thickness to insure safety in case of fire.

SEC. 164. No explosive oil shall be taken into or used in any mine for lighting purposes, except when used in safety lamps. Oil used for motor purposes shall be contained in metal tanks not to exceed ten (10) gallons, and if stored shall be put in a fireproof apartment, as provided in section 163 of this article.

Explosive oils.

SEC. 165. No boy under sixteen (16) years of age, and no girl or woman of any age, shall be employed or permitted to be in any mine for the purpose of employment therein. No boy under the age of fourteen (14) years, and no girl or woman of any age, shall be employed or permitted to be in or about the surface workings of any mine for the purpose of employment: *Provided*, That this prohibition shall not affect the employment of boys or girls or women for clerical or messenger duty about the surface workings, as permitted under the school laws.

Prohibiting employment of women and minors.

When an employer is in doubt as to the age of any boy applying for employment in or about the mine, he shall demand and receive proof of the age of such boy by certificate from the parents or guardian of such boy before he shall be employed. Said certificate shall consist of an affidavit, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is of the prescribed age for employment.

Any person swearing falsely in regard to the age of a boy shall be guilty of perjury and shall be punished as provided in the statutes of the state.

Penalty for false swearing as to age.

SEC. 166. It shall be unlawful for any person except the mine officials, and in case of necessity such other person as may be designated by them, to pass beyond any danger signal, or to enter any place which has been reported dangerous on bulletin board, unless he be accompanied by a mine official. However, this does not apply to regular danger signals permanently posted above the mine.

Prohibiting entrance of danger zone.

Checking
miners en-
tering and
leaving
mine.

SEC. 167. No mine employee shall enter or leave a mine without indicating the fact of entering or leaving said mine by some suitable checking system provided by and under the control of the operator.

Permissive
entry of
mine.

SEC. 168. No unauthorized person shall enter the mine without permission from the superintendent or mine foreman.

Intoxicated
persons.

SEC. 169. No person shall go into or around a mine, the buildings or machinery connected therewith, while under the influence of intoxicants. No person shall use, carry, or have in his possession at, in, or around a mine, the buildings or the machinery connected therewith, any intoxicants. Any violation of this section will be a misdemeanor under this act.

Removing
pillars.

SEC. 170. No person shall be employed to mine out pillars unless in company with one or more miners.

Examination
of working
places.

SEC. 171. Every workman employed in the mine shall examine his working place before commencing work, and after any stoppage of work during the shift he shall repeat such examination.

Posting em-
ployees as to
mining rules.

SEC. 172. Every workman, when first employed, shall have his attention directed by the mine foreman, or his assistant, to the general and special rules contained in this act. Said rules shall be posted at a conspicuous place at or near the main entrance to the mine.

Warning
foreman of
unsafe
conditions.

SEC. 173. Employees shall notify the mine foreman, or the assistant mine foreman, of the unsafe condition of any working place, hauling roads or traveling ways, or of damage to doors, brattices or stoppings, or of obstructions in the air passages, when said conditions are known to them.

Prohibiting
traveling
slopes on
foot.

SEC. 174. No person shall be allowed to travel on foot to and from his work on any hoisting slope, inclined plane, or locomotive road, unless no other roads are provided for that purpose, and then only at such times as permitted by the mine foreman.

SEC. 175. No person shall ride upon or against any loaded car or cage in any shaft or slope in any mine. No person other than the trip rider shall be permitted to ride on empty trips on any slope, or inclined plane, except as provided for in other sections of this act.

Riding cars or cages.

SEC. 176. No person other than the driver or trip rider, shall be allowed to ride on the full car, except mine officials and repair men.

Riding full cars.

SEC. 177. Any person who shall deface, pull down, or destroy any notice board, danger signal, general or special rules, record books or mining laws, shall be prosecuted by the mine inspector on notice given by the superintendent, or obtained from other sources, as provided for in section 217 of article XVII of this act.

Penalty for destroying danger signs, etc.

SEC. 178. All persons are forbidden to meddle or tamper in any way with any electric or signal wires, or any other equipment in or about the mine.

Tampering with wires.

SEC. 179. No powder or high explosive shall be taken into the mine at any one time by any person in greater quantities than is required for use in one shift.

Quantity of explosive allowed in mine.

SEC. 180. No explosive shall be stored in any tippie or weighing office, and no naked lights shall be used while the attendant is weighing and giving out explosives.

Storing and handling explosives.

SEC. 181. Any person crowding or pushing to get on or off the cage or car shall be deemed guilty of a misdemeanor, and the mine inspector shall prosecute him in accordance with section 217 of article XVII of this act, when the matter is reported to him by the superintendent.

Penalty for crowding on or off cars.

SEC. 182. No safety lamp shall be entrusted to any person for use in a mine, until said person has given satisfactory evidence to the foreman that he understands the proper use thereof, and the danger of tampering with the same.

Entrusting safety lamps to workmen.

SEC. 183. No one, except a person duly authorized by this act, shall have in his possession a key or other instrument for the purpose of unlocking any safety lamp in any mine where locked safety lamps are used. Other

Possession of keys for unlocking safety lamps.

persons than those duly authorized by this act, having keys or other instruments for the opening of safety lamps, shall be prosecuted by the state mine inspector.

Brushing gas prohibited.

SEC. 184. Any accumulation of gas in a mine shall not be removed by brushing.

Gas ignited by blast.

SEC. 185. When gas is ignited by a blast, or otherwise, the person having charge of the place where the said gas is ignited, shall immediately extinguish it, if possible, and if unable to do so, he shall immediately notify the mine foreman, or the assistant mine foreman, of the fact. Miners must see that no gas blowers are left burning upon leaving their working places. It shall be the duty of the superintendent to notify the mine inspector of any violation of this rule, and the inspector shall then prosecute as provided for in section 217 of article XVII of this act.

Penalty for leaving gas blowers burning.

Warning of shot-firings.

SEC. 186. When a shot-firer is about to fire a blast where the miners are not present, he shall be careful to notify all persons who may be endangered thereby, and shall give sufficient alarm so that any person approaching may be warned of the danger.

SEC. 187. In driving crosscuts through pillars, before firing a blast, the miner must notify in person the workmen in the place toward which he is driving, so that they may find a place of safety. He shall also guard the passages on either side of his place at every shot, so that no person may come unawares upon it.

Care in handling explosives.

SEC. 188. Whenever a miner or shot-firer shall open a box containing powder or other explosives, or while in any manner handling the same, he shall first place his lamp, if open, not less than five (5) feet from such explosive and in such a position that the air current cannot convey sparks to the explosive, and he shall not smoke while handling explosives.

Tamping bars for blasting.

SEC. 189. In charging and tamping a hole for blasting, no person shall use any iron or steel needle. The tamping bar for high explosives shall be made of wood.

For black powder iron tamping bars must be tipped with copper at least five (5) inches in length.

SEC. 190. No explosive shall be forcibly pressed into a hole that is of insufficient size, and when a hole has been charged the explosive shall not be taken out, and no hole shall be bored for blasting at a distance of less than twelve (12) inches from any hole where the charge has misfired, and no hole for blasting shall be drilled more than six (6) feet deep.

Blasting holes.

SEC. 191. In gaseous or dusty mines, shot-firers or other persons charging holes for blasting, shall use incombustible material for tamping. All holes before being fired shall be solidly tamped the full length of the hole. Any person who violates this rule shall be guilty of a misdemeanor.

Tamping material in gaseous or dusty mines.

SEC. 192. Every abandoned slope, shaft, airhole or drift, shall, when so abandoned, be properly fenced around or across its whole entrance.

Fencing abandoned openings.

SEC. 193. No person shall go into an old or abandoned portion of any mine, or into any other place that is not in actual course of working, without permission from a mine official, and no person shall travel to and from his work except by the traveling way assigned for that purpose. It shall be the duty of the mine inspector to prosecute all persons who violate this rule, in accordance with section 217 of article XVII of this act.

Mines to be entered only by traveling way.

SEC. 194. Workmen and all other persons are expressly forbidden to commit any nuisance, or throw into, deposit or leave coal or dirt, stones or other rubbish in the airway or road to interfere with, pollute or hinder the air passing into and through the mine.

Nuisances in airways prohibited.

SEC. 195. In all shafts and slopes where persons, coal and other materials are hoisted by machinery, the code of signals shall be posted.

Posting signal code.

SEC. 196. No person shall carry any matches, pipes or other smokers' articles into a mine, or portion of a

Prohibition against smokers' articles.

mine worked with safety lamps, nor shall he have any of said articles in his possession while in such a mine.

Prompt
treatment
of injured.

SEC. 197. If any person shall receive any injury in or about the mine requiring surgical or medical treatment, and same is reported to the mine foreman, he shall see that said injured person receives such treatment immediately.

Penalty for
contravening
rules.

SEC. 198. Every person who contravenes or does not comply with any of the special or general rules in this act shall be deemed guilty of a misdemeanor.

Dead line
in shafts
or slopes.

SEC. 199. At the foot of any shaft or slope, or at any intermediate lift from which men and coal are regularly hoisted, the operator or superintendent or foreman shall designate a dead line beyond which men shall not pass in order to be hoisted out of the shaft or slope, until they are notified by the cager or foreman in charge of said place. Failure to recognize this rule shall be a misdemeanor under this act.

Rules to be
printed in
various
languages.

SEC. 200. Copies of these rules shall be printed in English, Slavic, Lithuanian, Polish, Italian, Croatian and Finnish, by the operator, and each workman in and around the mine shall procure a copy in the language he can read. If he cannot read any one of the languages as mentioned above, he must at his own expense, procure an interpreter to correctly interpret the rules to him. The workman will pay the operator twenty-five cents (25c) per copy for the rules, and if he returns the same to the operator in legible condition, the amount so paid by him shall be returned.

Identifying
checks of
miners.

SEC. 201. It shall be unlawful to change, exchange, substitute, alter or move any number or check or other device or sign used to indicate or identify the person or persons to whom credit or pay is due for the mining or loading of coal in any car or appliance containing the same; and it shall be unlawful for any person to place any number, check, device or sign upon any car or other appliance loaded by any other person in or about the mine. Any violation of this provision shall be deemed a misdemeanor under this act.

SEC. 202. The state mine inspector shall prosecute all violators of the mining law.

Prosecu-
tions.

SEC. 203. All surface timber, brush and other inflammable material must be kept cleared for a distance of one hundred (100) feet on all sides of the air shafts and escapement ways: *Provided*, That this regulation shall not apply to a reasonable amount of cut timber kept on hand for immediate use underground.

Cleared
space around
air-shafts.

SEC. 204. (a) The operator of every coal mine where the miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and each day's record shall be posted where it is open at all hours to the inspection of miners. Sufficient weights shall be furnished by the operator for the purpose of testing the accuracy of said scales: *Provided, however*, That where a check-weighman is employed the operator shall not be required to post each day's record.

Weighing
coal and
posting
miner's
record.

(b) The miners employed by or engaged in working at any coal mine in this state shall have the privilege, if they desire, of employing at their expense a check-weighman, who shall have like rights, powers and privileges in the weighing of coal as the regular weighman, and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be conspicuously posted in the weigh office.

Check-
weighman.

(c) The weighman employed at any mine shall subscribe an oath or affirmation before a justice of the peace, or other officer authorized to administer oaths, in form as follows, to-wit:

Oath of
weighman.

(Date).....

I,depose and say that I will do justice, as weighman, between the employer and employee, and weigh correctly the output of coal from the mine or mines, and keep an accurate record thereof, posting a daily

bulletin of such weights for the examination of the employee.

(Sign here)

Sworn to and subscribed before me, a on the day and date above written.

Penalty for false weighing or recording.

(d) Any weigher of coal, or any person so employed, who shall knowingly violate any of the provisions of this and the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) for each offense, or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment, proceedings to be instituted in any court having jurisdiction therein.

Returning to missed shots.

SEC. 205. No person shall return to a missed shot, if lighted with a squib, until twenty (20) minutes have elapsed from the time of lighting same, or, if lighted with a fuse, until eight (8) hours have elapsed; and no person shall return to a missed shot when the firing is done by electricity unless the wires are disconnected from the battery.

Penalty for receiving or offering bribe to procure employment.

SEC. 206. Any mine superintendent, mine foreman, or other person or persons who shall receive or solicit any sum of money or other valuable consideration, from any person for the purpose of continuing in his or their employ, or for the purpose of procuring employment, shall be guilty of a misdemeanor. Any person offering any mine superintendent, or mine foreman, any sum of money or any other valuable consideration as a bribe for the purpose of obtaining employment or retaining employment, shall be guilty of a misdemeanor, and in either case of superintendent, mine foreman, or other person, upon conviction they shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine

and imprisonment, proceedings to be instituted in any court having jurisdiction thereof.

SEC. 207. The miner shall examine his working place before beginning work, and take down all dangerous slate, or otherwise make it safe by properly timbering it, before commencing to mine or load coal. He shall examine his place to see whether the fire boss has left the date marks indicating his examination thereof, and if said marks cannot be found it shall be the duty of the miner to notify the mine foreman, or the assistant mine foreman, of the fact immediately. The miner shall at all times be careful to keep his working place in a safe condition.

Miner to examine safety of working place.

Should he at any time find his place becoming dangerous from gas or from roof or from any unusual condition that may arise, he shall at once cease working and inform the mine foreman, or the assistant mine foreman, of said danger, but before leaving his place he shall put some plain warning across the entrance thereto to warn others against entering into danger.

After each blast he shall exercise care in examining the roof and coal, and shall secure them safely before beginning work.

He shall order all props, cap pieces, and all other timbers necessary at least one day in advance of needing them, or as provided for in the rules of the mine. If he fails to receive said timbers and finds his place unsafe, he shall vacate it until the necessary timbers are supplied.

The management of any mine may submit to the mine inspector, for his approval, uniform rules for timbering at mines where conditions may be favorable for same. If approved by the mine inspector, they will become part of the rules of said mine.

Rules for timbering.

Under no condition shall the miner use coal dust or other combustible material for tamping in any gaseous or dusty mines.

Tamping with coal dust.

When places are liable to generate sudden outbursts of explosive gas, no miner shall be allowed to charge or fire shots except under the supervision and with the con-

Firing shots under supervision.

sent of the mine foreman, or the assistant mine foreman, or some other competent person designated by the mine foreman for that purpose.

Miner not to leave working place.

The miner shall remain during working hours in the place assigned to him, and he shall not leave his working place without the consent of the mine foreman, assistant mine foreman, or fire boss, unless called upon to assist others, or in case of need. He shall not wander about the hauling roads or enter abandoned or idle workings.

Driver's duties.

SEC. 208. Duties of Driver: When a driver has occasion to leave his trip, he must be careful to see that it is left, when possible, in a safe place secure from cars and other dangers, and where it will not endanger the drivers of other trips or other persons.

He must take care while making his trip down grade to have the brakes or sprags so adjusted that he can keep the cars under control and prevent them from running over himself or others.

He shall not leave any cars standing where they may materially obstruct the ventilating current, except in case of accident, which he shall promptly report to the mine foreman, or assistant mine foreman.

He shall not allow any person to ride on loaded mine cars. He shall not allow any person to drive his horses or mules in his stead, unless authorized by a mine official. When it is his duty to open a door for the purpose of passing his trip through he shall see that the door is immediately closed thereafter.

Trip rider's duties.

SEC. 209. Duties of a Trip Rider: The trip rider shall exercise care in seeing that all hitchings are safe for use and that all the trip is coupled before starting, and should he at any time see any material defect in the rope, link or chain, he shall immediately remedy said defect, or, if he is unable to do so, he shall detain the trip and report the matter to the mine foreman or the assistant mine foreman. He shall not allow any person to ride on the loaded or empty trip, except as provided in article XVI, section 176.

SEC. 210. Duties of Hoisting Engineers: It shall be the duty of the engineer, who shall be a temperate competent person, to keep a careful watch over his engine and all machinery under his charge. He shall make himself acquainted with the signal codes provided for in this act, and by the special rules of the mine. Hoisting
engineers.

He shall not allow any unauthorized person to enter the engine house, nor shall he allow any person to handle or run the engine without the permission of the superintendent.

When workmen are being lowered or raised he shall take special precautions to keep the engine well under control.

SEC. 211. Duties of Motorman and Locomotive Engineer: The motorman or locomotive engineer shall keep a sharp lookout ahead, and sound the whistle or alarm bell frequently when coming near the parting switches or landings, and shall not exceed the limit allowed by the mine foreman. He shall see that the motors, cables and controlling parts are kept clean and in a safe operating condition, and that the headlight is burning properly when the locomotive is in motion. He shall not allow any person, except his attendant, or mine officials, to ride on the locomotive or motor. Engineers
and motor-
men.

SEC. 212. Duties of Firemen: Every fireman in charge of a boiler or boilers for the generation of steam shall keep a careful watch over same. He shall see that the steam pressure does not at any time exceed the limit allowed by the superintendent or master mechanic; he shall frequently try the safety valves, and shall not increase the weight on the same. He shall maintain a proper height of water in each boiler, and if anything should happen to prevent this he shall report it without delay to the superintendent or master mechanic, or other person designated by the superintendent, and take such other action as may under the circumstances be best for the protection of life and preservation of property. Firemen.

Fan opera-
tor's duties.

SEC. 213. The person in charge of the ventilating fan at a mine shall keep it running at such speed as the mine foreman shall direct in writing. He shall report promptly to the mine foreman, or assistant mine foreman, in case of accident to boiler or fan machinery. If only ordinary repairs to the fan or machinery become necessary, he shall await the instructions of the mine foreman or assistant mine foreman before stopping the fan. Should it become impossible to run the fan, or become necessary to stop it to prevent its destruction, he shall at once notify the superintendent or mine foreman, who shall give immediate warning to the persons in the mine.

Hooker-on's
duties.

SEC. 214. The hooker-on at the bottom of any slope shall be over eighteen years of age, and he shall be careful to see that the cars are properly coupled to a rope or chain, and to each other, and the safety device is properly attached to man trips, before signalling the engineer. He shall personally attend to the signals, and see that the provisions of this act in respect to hoisting and lowering persons in shafts or slopes are complied with.

Cager's
duties.

SEC. 215. Duties of Cager: The cager at the bottom of any shaft shall be over eighteen years of age. He shall not attempt to withdraw the car until the cage comes to a rest, and when putting the full car on the cage, he must be careful to see that the springs or catches are properly adjusted to keep the car in place before signalling the engineer. He shall personally attend the signals and see that the provisions of this act in respect to hoisting and lowering persons in shafts or slopes are complied with.

Shaft
topman's
duties.

SEC. 216. (a) The topman of a shaft shall not allow any tools to be placed on the same cage with persons, or on either cage when persons are being lowered into the mine, except for the purpose of repairing the shaft or the machinery therein. The men shall place their tools in cars provided for that purpose, which cars shall be lowered before or after the men have been lowered. He shall also see that no driver or other person descends the shaft with

any horse or mule, unless the said horse or mule is secured in a suitable box or safely penned, and only the driver in charge of said horse or mule shall accompany it in any cage. The topman of a shaft shall see that the springs or keeps for the cage to rest upon are kept in good working order, and when taking the full car off he must be careful that no coal or other material is allowed to fall down the shaft.

(b) The topman of a slope or inclined plane shall see that the safety device is closed at all times, except when cars or trips are passing, and in no case shall said safety device be withdrawn until the cars are coupled to the rope or chain and the proper signal given. He shall carefully inspect each day the rope and chain used for hoisting or lowering men or coal, and shall promptly report to the superintendent any defect discovered, and shall use care in attaching securely the cars to the rope. He shall ring the alarm bell in case of accident.

Slope
topman's
duties.

(c) It shall be the duty of all topmen to report to the superintendent any violation of section 188 of article XVI of this act.

(d) Nothing herein shall be construed to prevent the owner or operator of a coal mine from enforcing any rules or regulations now in effect, or that may be later adopted, which do not conflict with the provisions of this act.

Existing
rules.

ARTICLE XVII.

OFFENSES AND PENALTIES.

SEC. 217. Any miner, workman, or other person, who shall knowingly injure any water gauge, barometer, air course or brattice, or shall obstruct or throw open any airway, or shall handle or disturb any part of the machinery of the hoisting engine, or open a door in the mine and not have the same closed again, whereby danger is produced either to the mine or to those that work therein, or who shall enter into any part of the mine against caution, or who shall interfere with or intimidate any engineer, fireman, or other employee in or about such mine in

Interference
with appli-
ances or
employees.

the discharge of his duties or the performance of his labor, or who shall disobey any order given in pursuance of this act, or violate any of the provisions established by this act, for which the penalty is not otherwise provided, and who shall do any act whereby the lives and health of persons working in the mine, or the security of the mine or mines or the machinery thereof is endangered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two hundred dollars (\$200.00) nor less than fifty dollars (\$50.00), or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

ARTICLE XVIII.

SEC. 218. All acts or parts of acts relating to coal mining in the State of Washington, or to the mine inspector of the State of Washington, be, and the same are hereby repealed.

Repealing clause.

SEC. 219. If it shall be adjudicated that any section or part of a section of this act shall be unconstitutional and invalid for any reason, an adjudication of invalidity of said section or part of a section shall not affect the validity of the act as a whole, or any part thereof.

Partial invalidity of act.

SEC. 220. Every operator of a mine affected by this act shall be given six (6) months after this act takes effect to make any necessary changes or secure any materials or supplies to comply with the provisions of this act.

Time allowed for conforming to act.

SEC. 221. No coal mine shall be considered a mine for the purpose of this act unless five men or more are employed underground on one shift, nor shall mines employing less than ten men be subject to the provisions of this act, except that the inspector of mines shall have the right to enter any of the places where men are at work within such prospect, and if the conditions therein are dangerous to life, the inspector may, and it shall be his duty to stop work on such prospect until such dangerous place is rendered safe, or the same be placed in control of

What constitutes coal mine.

Inspection of work on prospects.

a certified mine foreman: *Provided*, That all such operators of prospects and places herein in this section referred to shall make reports to the state mine inspector as are required to be made by other mines and mine operators under the provisions of this act.

Passed the Senate February 16, 1917.

Passed the House February 21, 1917.

Approved by the Governor March 2, 1917.

CHAPTER 37.

[S. B. 136.]

ALTERNATE JURORS IN CRIMINAL ACTIONS.

AN ACT relating to trials in criminal actions, and providing for the drawing, retaining and selection of alternate jurors, and providing when this act shall take effect.

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

SECTION 1. Whenever, in the opinion of a judge of a superior court about to try a defendant against whom has been filed any indictment or information for a felony, the trial is likely to be a protracted one, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn the court may direct the calling of one or two additional jurors, in its discretion, to be known as "alternate jurors." Such jurors must be drawn from the same source, and in the same manner, and of the same qualifications as the jurors already sworn, to be subject to the same examination and challenge: *Provided*, That the prosecution shall be entitled to one, and the defendant to two peremptory challenges to such alternate jurors. Such alternate jurors shall be seated near, with equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and

Additional
jurors
authorized.

Drawing
and qualifi-
cations.

Challenges.

Attendance
on trial.

for a failure so to do are liable to be punished for contempt. They shall obey the orders of and be bound by the admonition of the court upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff during the trial of the case, such alternate jurors shall also be kept in confinement with the other jurors; and except, as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If, before the final submission of the case, a juror die, or become ill, so as to be unable to perform his duty, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box and be subject to the same rules and regulations as though he had been elected as one of the original jurors.

Substitution
in case of
death or
illness of
juror.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate January 31, 1917.

Passed the House February 20, 1917.

Approved by the Governor March 3, 1917.

CHAPTER 38.

[S. B. 34.]

REGULATING PRACTICE OF CHIROPODY.

AN ACT regulating the practice of chiropody; providing for the issuance of licenses therefor, and providing a penalty for the violation of the provisions of this act.

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

SECTION 1. For the purpose of this act the practice of chiropody is defined to be the surgical and medical treatment of bunions, corns, abnormal nails, warts, callosities and all superficial excrescences; but shall not include surgical operations upon the hands or feet for congenital or acquired deformities or conditions, requiring the uses

Chiropody
defined.

of anaesthetics other than local, nor shall it include amputations.

SEC. 2. From and after sixty days from the taking effect of this act it shall be unlawful for any person to practice chiropody in this state without having first obtained a license so to do as in this act provided, and without having recorded such license in the office of the county clerk of the county where the licensee shall reside or practice his profession, and without having his said license on exhibition in a conspicuous place in his office or place of business.

License
required.

SEC. 3. Licenses for the practice of chiropody shall be issued by the state board of chiropody without examination to all persons who shall within sixty days from the taking effect of this act have and maintain a fixed place of business with the necessary facilities for the sterilization of instruments, and who shall at the time of making application file with said board an affidavit to the effect that he or she has such fixed place of business, and is a resident of the state, and been engaged in the practice of chiropody in this state for at least two years prior to making application; said application to be accompanied by the certificate of two licensed physicians resident at the place of business of the applicant, to the effect that they are acquainted with the applicant and believe him or her to be a person of good moral character. Said applicant shall at the time of making application pay to the said board the sum of ten dollars (\$10.00).

License of
existing
practi-
tioners.

Application
fee.

SEC. 4. The state board of chiropody shall as herein provided examine applicants for licenses to practice chiropody and said board shall have the power to make such rules and regulations as may be necessary to properly conduct such examinations, such examinations to relate only to the following subjects: Anatomy and physiology, minor surgery and bandaging relating to the practice of chiropody; and all such examinations shall be conducted in the English language and may be written or partly written and partly oral.

Examination
of appli-
cants.

Record of
licensees.

SEC. 5. The secretary of the state board of chiropody shall keep in a book kept for that purpose, a record showing the name, age, place of residence, the time spent in the study and practice of chiropody, the time spent in schools of chiropody, and the date of graduation therefrom and the degree if any, and the date and number of the license issued to such applicant, and whether the same was issued upon or without examination; and the copy of such record certified by the secretary of said board shall be *prima facie* evidence of the facts therein stated in all courts and all actions and proceedings where proof of such facts is competent.

Applications
for license.

SEC. 6. Before any person shall be permitted to take an examination for the issuance of a license under the provisions of this act he or she shall file an application on a form to be prepared and furnished by the state board of chiropody, signed and verified by the applicant, showing that he or she is more than twenty-one years of age, and has education equivalent to at least two years in a public high school, or is a graduate of a school of chiropody requiring actual attendance of not less than eight months, and shall file a certificate signed by two licensed physicians of this state to the effect that they are acquainted with the applicant and believe him or her to be a person of good moral character. All licenses issued under the provisions of this act, whether with or without examination, shall be identical in form, and shall be numbered and recorded in the book kept for that purpose by the secretary of the state board of chiropody, and shall be signed by the president of said board, and attested by the secretary under the official seal of the board.

Re-examina-
tions.

SEC. 7. An applicant who fails to pass an examination satisfactory to the board, and is therefor refused registration, shall be entitled at the expiration of one year from the date of the examination at which he failed, to a re-examination at a meeting of the board called for the examination of applicants, upon the payment of a fee of ten dollars (\$10.00) for each such re-examination.

SEC. 8. The minimum requirement for registration of applicants under this act shall be based upon a general average of seventy-five per cent of all the subjects involved taken collectively, and not less than fifty per cent in any one subject.

Minimum requirement.

SEC. 9. Every applicant for a license to practice chiropody shall pay to the secretary of the state board of chiropody for the use of the state the sum of twenty-five dollars (\$25.00) and a renewal for each year of one dollar (\$1.00).

License fee.

SEC. 10. It shall be deemed *prima facie* evidence of the practice of chiropody or as holding himself out as a practitioner of chiropody within the meaning of this act for any person to treat in any manner the human hand or foot by medical, surgical, or mechanical means or appliances, or to use the title "chiropodist" or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself out to treat, is a chiropodist: *Provided, however,* That nothing in this act contained shall be construed or [as] conflicting with the business of a manicure in the care of the finger nails or toe nails.

Evidence of practice of chiropody.

SEC. 11. It shall be the duty of every one licensed to practice chiropody under the provisions of this act, to file his license and have the same recorded in the office of the county clerk in the county where the licensee resides or practices his profession, and the absence of such record in any county where such person shall practice or attempt to practice chiropody, shall be *prima facie* proof of the fact that such person is not licensed to practice chiropody; and it shall be unlawful for any person to practice or attempt to practice chiropody in any county without having first had his license recorded in said county as herein provided.

License to be filed with county clerk.

SEC. 12. It shall be the duty of the county clerk of each county to record in a book kept for that purpose, licenses issued under the provisions of this act and filed for

Clerk's record.

Fee.

record in his office, and to collect for such license so recorded a fee of one dollar (\$1.00), and to, at any time upon request of the state board of chiropody certify to the board a list of all licenses so recorded in his office giving the number of each license and the name of the licensee together with such other information as the board may require.

Revocation of license.

SEC. 13. The state board of chiropody may revoke any license under the provisions of this act upon proof being made that the holder of such license has been convicted of a violation of any of the provisions of this act, or of the commission of any crime involving moral turpitude, or that the license was procured by fraud or deceit practiced upon the board either in the presentation of any false statement as to the qualifications of the applicant or in the examination of the applicant, or for unprofessional conduct or inefficiency in the practice of his profession by the licensee; and unprofessional conduct shall include the employment of persons to solicit business for the licensee, the obtaining of any fee by fraud or misrepresentation, the wilful betrayal of professional secrets, the employment directly or indirectly of any student or unlicensed chiropodist to perform operations of any kind except dressing following an operation, advertising by means tending to deceive the public, or being habitually intemperate or grossly immoral. Before any license shall be revoked the licensee shall be furnished with a copy of the complaint or the charges against him, and be given a hearing before the state board of chiropody, and may be represented by legal counsel.

Record of refusals and revocations.

SEC. 14. In case the state board of chiropody shall refuse to grant a license upon application being made therefor under the provisions of this act, or in case the board shall revoke any license issued under the provisions of this act, the secretary of the board shall make and file in the records of this [his] office a concise statement of the grounds and reasons for such refusal or revocation, which statement together with the decision of the board in writ-

ing and signed by the president of the board shall remain a permanent record, and upon the revocation of any license as herein provided the secretary of the board shall notify the clerk of the county where such license is recorded of the fact of such revocation, and the clerk shall thereupon cancel the record in his office and note the fact that such license has been revoked.

Notice to county clerk.

SEC. 15. Any person feeling himself aggrieved by the order of the state board of chiropody in refusing to grant him a license or in revoking his license shall have the right to appeal to the superior court of the county where the meeting of the board was held at which the order refusing to grant a license, or revoking a license was entered.

Appeals to superior court.

SEC. 16. It shall be unlawful for any persons licensed to practice chiropody under the provisions of this act to use, advertise or display the title "doctor" or its synonyms independent of the title "chiroprapist" or its synonyms, and it shall be unlawful for any person to exhibit as his own any license that has not been issued to him.

Use of title "doctor."

SEC. 17. No person practicing chiropody in this state shall use any instruments which have not been thoroughly sterilized by methods approved by the state board of chiropody, since using them on some other person.

Sterilization of instruments.

SEC. 18. Nothing in this act contained shall be construed as preventing any licensed physician, surgeon, osteopath or other person licensed to treat the sick and afflicted, from treating the hands or feet by the methods and means permitted by his license, nor to prevent the domestic administration of family remedies, nor shall this act be construed to discriminate against any particular school of medicine or surgery or osteopathy and surgery, or any licensed system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion: *Provided*, That nothing herein shall be held to apply to or to regulate any kind of treatment by prayer.

Act not to affect practice of physicians and surgeons.

SEC. 19. If any provision of this act shall be held void or unconstitutional, all other provisions and all other sec-

Partial invalidity.

tions of the act which are not expressly held to be void or unconstitutional shall continue in full force and effect.

SEC. 20. Within thirty days after the taking effect of this act there shall be appointed by the governor a state board of chiropody consisting of three chiropodists in active practice within the State of Washington for at least two years, whose duties shall be as prescribed in the preceding sections of this act. Said board shall be appointed for a term of four years without salary, but shall be paid their actual traveling expenses when engaged in the work as herein provided, upon proper vouchers approved by the state auditor. All sums paid for licenses and examinations shall be paid into the state treasury in a separate fund and shall be paid out only upon warrants drawn by the state auditor, but in no case shall the amounts paid exceed the amounts obtained for licenses and examinations. Said board shall meet on the eighteenth day of July, 1917, and organize by electing a president and secretary, each of whom shall hold his office for four years, vacancies to be filled in the usual manner, and thereafter said board shall meet once every six months alternately at Seattle, Spokane and Tacoma for the purpose of holding examinations as herein provided, the time and place of said examinations to be given applicants by mail. The headquarters of said board shall be the place of residence of the secretary and each officer shall take the oath prescribed by law for public officers.

SEC. 21. Every person violating or failing to comply with the provisions of this act shall be guilty of a misdemeanor and punished accordingly.

Passed the Senate February 15, 1917.

Passed the House February 23, 1917.

Approved by the Governor March 5, 1917.

State
board of
chiropody.

Appoint-
ment of
board.

Meetings.

Violations
of act.

CHAPTER 39.

[S. B. 137.]

VALIDATING WARRANTS AGAINST COUNTY ROAD FUNDS.

AN ACT relating to county road funds and validating certain obligations and authorizing the payment thereof and amending chapter 160 of the Session Laws of 1915.

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

SECTION 1. That chapter 160 of the Laws of 1915 be amended to read as follows:

Section 1. If the officials of any county in this state have issued or paid any warrants upon or incurred any obligations against any of the road funds during the fiscal years of 1913, 1914, 1915 and 1916, which are in violation of section 5590-5 of Remington & Ballinger's Annotated Codes and Statutes of Washington, said warrants and unpaid obligations in the order of the time that they were issued, paid and incurred are validated.

Validation
for years
1913-1916.

SEC. 2. The county treasurer is authorized to pay the warrants heretofore or hereafter issued on said obligations out of any cash in the particular fund and the balance, if any, of said warrants may be paid out of the 1916 levy, but the amount of such latter payments shall be added to the obligation incurred during the year 1917 in determining when eighty per centum of the tax levy for the fiscal year has been expended, and in case there shall not be sufficient money in any such fund derived from the 1916 levy to pay said balance, then and in that event, any balance remaining unpaid may be included in and paid out of the 1917 levy.

Payment of
validated
warrants.

Passed the Senate February 5, 1917.

Passed the House February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 40.

[H. B. 71.]

VEHICLES DRAWN BY ANIMALS TO DISPLAY LIGHTS.

AN ACT requiring that a light be shown during the hours of darkness on all vehicles drawn or propelled by horses, mules, or other animal power on the public roads, highways, parks, parkways, streets, or avenues within the State of Washington, regulating the same and providing a penalty for the violation thereof.

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

SECTION 1. Every vehicle drawn or propelled by horses, mules or other animal power shall, when driven on any public road, highway, park, parkway, street or avenue within this state during the hours of darkness, have fixed or carried thereon in some conspicuous place on the left side of said vehicle at least one lighted lamp so fixed or carried that the light therefrom may be seen both from the front and rear of said vehicle.

Lights
required
after dark.

SEC. 2. Every person violating this act shall be guilty of a misdemeanor.

Penalty.

Passed the House February 16, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 41.

[S. H. B. 72.]

ELECTRIC APPLIANCES OF LIGHT AND POWER COMPANIES.

AN ACT relating to electric construction and amending section 4976-3 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4976-3 of Rem. & Bal. Code be amended to read as follows:

Rules for
construction.

Section 4976-3. All wires, cables, poles, electric fixtures and appliances of every kind being used or oper-

ated at the time of the passage of this act, shall be changed, and made to conform to the provisions of section 4976-1, on or before the first day of July, 1922.

Time for compliance.

Provided, however, That the public service commission of Washington shall have power, upon notice and hearing, to order and require the erection of all guards, protective devices, and methods of protection which in the judgment of the commission are necessary and should be constructed previous to the expiration of the time fixed in this section: *Provided, however,* That it shall be lawful to place additions, wires, cables, electrical fixtures or appliances upon existing poles or cross-arms so long as the new construction shall be made to conform to the provisions of this act.

Prior requirement of protective devices.

Provided, further, That nothing in this act shall apply to manholes already constructed, except the provisions for guards, sanitary conditions, drainage and safety appliances specified in rules 20, 24, 26, 29, 30, 31, and 32.

Passed the House February 20, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 42.

[H. B. 91.]

COUNTY BURIAL OF SOLDIERS, SAILORS AND MARINES.

AN ACT relating to the burial of soldiers, sailors and marines, and their families by counties, and amending section 8929 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8929, Remington & Ballinger's Annotated Codes and Statutes of the State of Washington be amended to read as follows:

Section 8929. It shall be the duty of the board of county commissioners in each of the counties in this state

Burial at expense of county.

Limit of
expense.

to designate some proper authority, other than the one designated by law for the care of paupers and the custody of criminals, who shall cause to be interred at the expense of the county the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States of America during the late civil war, or in the war with Mexico, or in any of the Indian wars that occurred in the State of Washington, or the Spanish American war and Philippine insurrection, and the wives or widows of such soldiers, sailors or marines when requested so to do by the commanding officer of any post of the Grand Army of the Republic or camp of the United Spanish War Veterans, or the relief committee of either said post or camp: *Provided, however,* That such interment shall not cost more than fifty dollars. If the deceased has relatives or friends who desire to conduct the burial of such deceased person, then upon request of said commander or relief committee the sum of fifty dollars shall be paid to said relatives or friends by the county upon due proof of death and burial of any person provided for by this section and proof of expenses incurred.

Passed the House February 15, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 43.

[H. B. 118.]

TAXATION OF INHERITANCES.

AN ACT relating to inheritance taxation and amending section 9183 of Remington & Ballinger's Code.

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

SECTION 1. That section 9183 of Remington & Ballinger's Code be amended to read as follows:

Section 9183. The inheritance tax shall be imposed on all estates subject to the operation of this act at the following rate:

Rates of
levy.

If passing to or for the use of a father, mother, husband, wife, lineal descendant, adopted child or lineal descendant of an adopted child, the tax shall be one per centum of any value not exceeding fifty thousand dollars; two per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; three per centum of any value in excess of one hundred thousand dollars and not exceeding two hundred fifty thousand dollars; five per centum of any value in excess of two hundred fifty thousand dollars: *Provided, however,* That in the above cases, ten thousand dollars of the net value of any estate shall be exempt from such duty or tax.

Parents and
lineal
descendants.

If passing to or for the use of a sister, brother, uncle, aunt, nephew or niece, the tax shall be three per centum of any value not exceeding fifty thousand dollars; five per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; seven per centum of any value in excess of one hundred thousand dollars and not exceeding two hundred fifty thousand dollars; nine per centum of any value in excess of two hundred fifty thousand dollars.

Collateral
heirs within
third degree.

If passing to or for the use of collateral heirs beyond the third degree of relationship or to strangers to the blood, the tax shall be six per centum of any value not exceeding fifty thousand dollars; nine per centum of any value in excess of fifty thousand dollars and not exceeding one hundred thousand dollars; twelve per centum of any value in excess of one hundred thousand dollars and not exceeding two hundred fifty thousand dollars; fifteen per centum of any value in excess of two hundred fifty thousand dollars.

Beyond
third degree.

Passed the House February 5, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 44.

[H. B. 131.]

RELIEF OF HORACE C. HENRY.

AN ACT to reimburse Horace C. Henry and making an appropriation.

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

Appropriation,
\$5,348.96.

SECTION 1. That for the purpose of reimbursing Horace C. Henry in the sum of five thousand three hundred forty-eight dollars and ninety-six cents (\$5,348.96) advanced by him, which together with the moneys appropriated by the thirteenth legislature "for transporting and maintenance of survivors of Union and Confederate soldiers who took part in the battle of Gettysburg and who are *bona fide* residents of this state to the fiftieth anniversary of said battle," made it possible for all of the survivors of the battle, who were entitled to and desired so to do, to attend the anniversary, there is hereby appropriated out of the general fund of the state the sum of five thousand three hundred and forty-eight dollars and ninety-six cents (\$5,348.96), and the state auditor is hereby empowered and directed to draw a warrant upon the state treasurer for said sum and to issue and transmit to the governor for delivery to said Horace C. Henry such warrant without requiring the presentation of any voucher from said Horace C. Henry.

Passed the House February 15, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 45.

[H. B. 158.]

PEDDLING FARM, GARDEN, AND FISHERY PRODUCTS.

AN ACT relating to the disposal of certain products, and permitting farmers, gardeners and manufacturers to sell same without license, and amending section 7055 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7055 of Rem. & Bal. Code be amended to read as follows:

Section 7055. It shall be lawful for any farmer, gardener or other person, without license, to sell, deliver or peddle, any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced or manufactured by such person in any place in this state, each and every day, except Sundays, and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as herein defined, and all city or town ordinances in violation hereof are hereby declared void: *Provided*, That this section shall not prohibit the sale or delivery of dairy products on Sunday.

Sales without license authorized.

Passed the House February 16, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 46.

[H. B. 166.]

AUTHORIZING LEASE OF SCHOOL SECTION FOR PUBLIC
PARK AND BOULEVARD.

AN ACT providing for the leasing of the southeast quarter and the southwest quarter of section thirty-six (36), township eighteen, (18) north, range ten (10) west of the Willamette Meridian, for public park and boulevard purposes, and reserving such lands and the timber thereon from sale or lease for other purposes.

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

Authority
to land com-
missioner
to lease.

SECTION 1. The commissioner of public lands is hereby authorized to lease the southeast quarter and the southwest quarter of section thirty-six (36), in township eighteen (18) north, range ten (10) west of the Willamette Meridian, for public park and boulevard purposes, upon such terms and conditions as he may deem proper. Such lease shall provide that no timber shall be cut or removed therefrom during the term of such lease, except such as may be necessary or advisable for the purposes mentioned, and then only under the supervision of the commissioner of public lands, and that such lands shall be used only for public park and boulevard purposes, during the term of such lease. The market value of the estate granted in such lease, and the market value of all timber cut from said lands, shall be ascertained by the commissioner of public lands, and shall be paid to the state in such manner and at such times as he shall direct.

Reservation
of tract
from sale.

SEC. 2. All of the lands above described, and the timber thereon, are hereby reserved from sale, and the same shall not be sold or leased except as herein provided.

Passed the House February 16, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 6, 1917.

CHAPTER 47.

[S. B. 240.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary for the expenses of the fifteenth legislature.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the fifteenth legislature of the State of Washington.

Appropriation, \$10,000.

SEC. 2. This act is necessary for the support of state government and shall take effect immediately.

Emergency.

Passed the Senate February 19, 1917.

Passed the House February 23, 1917.

Vetoed by the Governor March 2, 1917.

Passed over veto of Governor March 7, 1917.

CHAPTER 48.

[S. H. B. 16.]

CERTIFICATION OF TEACHERS.

AN ACT relating to the public school system, the certification of teachers, fixing the basis and qualifications for certification, and amending sections 4643, 4644, 4650, and 4653 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4643 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 4643. The certificates and diplomas granted by authority of the State of Washington, and authorizing

Classification of certificates and diplomas.

the holders to teach in the public schools of this state shall be classified as follows:

First—Common school certificates and diplomas.

- (a) Second grade elementary certificates;
- (b) First grade elementary certificates;
- (c) Life certificates.

Second—City certificates.

- (a) City high school certificates;
- (b) City grammar school certificates;
- (c) City primary certificates.

Third—Certificates and diplomas of the higher institutions of learning.

- (a) Of the normal schools;
- (b) Of the State College of Washington;
- (c) Of the University of Washington.

Fourth—Temporary certificates.

Fifth—Special certificates.

Eligibility
for
certification.

SEC. 2. On and after September first (1), 1918, no person shall be eligible to certification as a teacher in this state who has not completed the work of a four-year high school, or its equivalent: *Provided*, Nothing in this act shall be construed to invalidate the life diplomas granted under the laws of the Territory of Washington, or to invalidate any certificate or diploma heretofore granted in accordance with the laws of the State of Washington, but the same shall continue in effect in accordance with the provisions of the laws under which they were granted: *Provided*, That any third grade certificate, second grade certificate, first primary certificate or first grade certificate, or professional certificate, or any renewal or any permanent certificate in full force and effect at the time of the taking effect of this act shall for the purpose of renewal, or for securing a certificate of higher grade, or for securing a permanent certificate, or for any other purpose whatsoever, be of the same force and effect, and shall entitle the holder thereof to the same rights and privileges as he would be entitled to under the provisions of the law

Rights un-
der existing
certificates
preserved.

relative thereto in force at the time such certificate or renewal was issued.

SEC. 3. That section 4644 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4644. On and after September first (1st), 1918, the common school certificates and diplomas issued by authority of the State of Washington, the period for which each shall be valid and the qualifications required of applicants for the same shall, in addition to the provisions hereinbefore set out, be as follows:

Qualifications for certificates.

First. Second grade elementary school certificates: Applicant shall pass an examination in reading, grammar, penmanship and punctuation, history of the United States, geography, arithmetic, physiology and hygiene, orthography, and Washington State Manual, and in addition present satisfactory evidence of having had nine (9) weeks of professional training in an accredited institution of higher learning in which elementary teachers are trained. This certificate shall authorize the holder to teach in the elementary schools of this state, and shall be valid for two (2) years, but may be renewed twice, if, during the life of the certificate or a renewal thereof the holder has attended an accredited institution of higher education for nine (9) weeks in which elementary teachers are trained and has done satisfactory work in three (3) subjects, and present a certificate in evidence thereof signed by the principal or president of such school.

Second grade elementary.

Second. First grade elementary certificates: Applicant must have taught at least nine (9) months and must have had at least one year of professional training in an accredited institution of higher learning and shall have credits in the same subjects as for a second grade elementary certificate, and must also pass an examination in nature study, drawing, juvenile and general literature, agriculture, civics, physical geography, and music; but the state board of education may accept other subjects in lieu of two (2) of the above subjects at the request of the ap-

First grade elementary.

plicant, as provided in section 4637 of Remington & Ballinger's Annotated Codes and Statutes of Washington: *Provided*, Grades of eighty-five (85) per cent and above earned in accredited institutions of higher learning in which teachers for the elementary schools are trained may be accepted by the state board of education in lieu of examinations in such subjects. This certificate shall authorize the holder to teach in any grade of elementary schools of this state and shall be valid for five (5) years, and may be renewed for a like period if application is made not later than ninety (90) days after certificate expires, and if, during the life of the certificate the holder has complied with the following provisions, to-wit: An attendance of eighteen (18) weeks at an accredited institution of higher learning in which elementary teachers are trained during the life of the certificate when satisfactory work is done in at least three (3) subjects and certified to by the principal or president of such school.

Life
certificates.

Third. Life certificates: Applicant must file with the superintendent of public instruction evidence of having taught successfully for forty-five (45) months, not less than twenty-seven (27) months of which shall have been in this state. He must have the credits required for a first grade elementary certificate and in addition shall pass an examination in the following, to-wit: Algebra, plane geometry, biology, geology, English literature, physics, psychology, composition, and general history, and present satisfactory evidence of having completed satisfactorily twelve (12) semester hours of professional study in an accredited institution of higher learning, or else pass an examination in such professional subjects as the state board of education may direct: *Provided*, That the state board of education may accept other subjects in lieu of any of the above mentioned subjects upon request of the applicant: *Provided further*, That grades of eighty-five (85) per cent and above earned in accredited institutions of higher learning in which teachers for the common schools are trained may be accepted by the state board

of education in lieu of examinations in such subjects. This certificate shall be valid in the common schools of the state during the life of the holder unless revoked for cause.

SEC. 4. That section 4650 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4650. Special certificates shall be granted only to applicants who by examination or otherwise show satisfactory evidence of fitness to teach a special or departmental subject (such as music, drawing, penmanship, kindergarten, manual training, domestic science, physical education), and such other subjects as may be authorized by the state board of education: *Provided*, That special certificates may be issued authorizing any person or persons to teach any subject or subjects in night schools which such person or persons show by examination or otherwise they are qualified to teach.

Special
certificates.

SEC. 5. That section 4653 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4653. Special certificates shall be issued by the county superintendent, or city superintendent if in a city, to applicants who show by examination or otherwise satisfactory evidence of fitness to teach special subjects, such as music, art, manual training, penmanship, kindergarten, domestic science, typewriting, stenography, physical education, or any subject or subjects in night school, and such other subjects as may be authorized by the state board of education. Special certificates shall be valid so long as the holder continues to teach in the city or county where granted, unless revoked.

County and
city super-
tendents
may issue.

Passed the House February 14, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 49.

[H. B. 90.]

EXPENDITURE OF LEVIES FOR ROAD AND BRIDGE
PURPOSES.

AN ACT relating to the expenditure of revenues levied and collected for road and bridge purposes and amending sections 5590-2 and 5590-3 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5590-2 of Rem. & Bal. Code be amended to read as follows:

Section 5590-2. The expenditures from the general road and bridge fund shall be made only for the purpose of constructing, maintaining and repairing such county roads, bridges and wharves which are or will be main thoroughfares or lines of travel for all the inhabitants of the county, and for the purpose of purchasing, operating and maintaining machinery, quarries and gravel pits used in such construction, maintenance and repair and all bridges herein mentioned shall include all bridges of over twenty (20) feet in length when constructed of wood or over ten feet when constructed of concrete in counties that have or may hereafter adopt township organization.

SEC. 2. That section 5590-3 of Rem. & Bal. Code be amended to read as follows:

Section 5590-3. The expenditures from the road district funds shall be made only for the purpose of constructing, maintaining and repairing such roads, bridges and wharves as are situated within the road district and which shall be in the nature of branch roads or feeders to the main highways passing through the district, and for the further purpose of purchasing, operating and maintaining machinery and equipment used in such construction, maintenance and repair within the district.

Passed the House February 15, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

General
road and
bridge fund
expenditures.

Road
district fund
expenditures.

CHAPTER 50.

[H. B. 180.]

TAX LEVIES AND FUNDS OF THIRD CLASS CITIES.

AN ACT relating to levies, taxes and funds of cities of the third class and amending section 1 of chapter 186 of the Laws of 1915.

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

SECTION 1. That section 1 of chapter 186 of the Laws of 1915 be amended to read as follows:

Section 1. Every city of the third class having an outstanding indebtedness at the time of levying its taxes for the year 1916 shall levy for said year, and each year thereafter until all outstanding indebtedness has been paid shall levy, a tax of six mills on the dollar of the assessed valuation of property in such city, unless in any year a lesser levy will be sufficient to pay all outstanding indebtedness, in which event such lesser levy sufficient for such purpose shall be made. The proceeds of such tax together with all moneys received from licenses, street poll tax, fines, penalties and forfeitures and together with all taxes levied for the year 1915 or any previous year for the current expense fund, old indebtedness fund, general fund, street fund, sewer fund, library fund, park fund or other like fund and paid on or subsequent to January 1, 1916, shall be paid into a fund to be known as the "indebtedness fund": *Provided*, That all moneys received from licenses, street poll tax, fines, penalties and forfeitures subsequent to July 1, 1917, shall be paid into the current expense fund: *And provided*, That all tax levies and validated tax levies and all parts of each thereof made for the payment of the current expenses of any such city for the fiscal years of 1914 and 1915 shall when collected be paid into a separate fund to be known as the 1914 and 1915 current expense fund and applied primarily to the payment of the current expenses of such city for the fiscal year for which the same were levied or validated. In computing such outstanding indebtedness all indebtedness of every character

Levy for
outstanding
indebtedness.

Indebtedness
fund
created.

Moneys
payable to
current ex-
pense fund.

1914 and
1915 current
expense
fund.

shall be included excepting indebtedness for the payment of which special provision is made by law and by said city and bonded indebtedness for the payment of which an adequate sinking fund is provided.

Passed the House February 16, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 51.

[H. B. 124.]

STATE AID TO TUBERCULOSIS HOSPITALS.

AN ACT making an appropriation for state aid of tuberculosis hospitals for the biennium ending April 30th, 1917, and providing when this act shall take effect.

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

SECTION 1. There is hereby appropriated out of the general fund the sum of twenty-seven thousand dollars (\$27,000) or so much thereof as may be necessary for the purpose of covering a deficiency in the fund for state aid of tuberculosis hospitals for the biennium ending April 30th, 1917.

Appropriation,
\$27,000.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Emergency.

Passed the House February 5, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 52.

[H. B. 63.]

RELIEF OF H. S. ROYCE.

AN ACT for the relief of H. S. Royce.

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

SECTION 1. That there is hereby appropriated out of any moneys in the general fund of the state not otherwise appropriated, the sum of \$2,025.00 for the relief of H. S. Royce for cattle destroyed by direction of the department of agriculture of the state. Appropriation, \$2,025.

Passed the House February 16, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 53.

[H. B. 202.]

APPROPRIATION FOR STATE COLLEGE CURRENT EXPENSES.

AN ACT appropriating the sum of forty thousand dollars (\$40,000.00) for the current expenses of the State College of Washington.

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

SECTION 1. That there be, and there is hereby, appropriated out of the agricultural college current and scientific school current funds the sum of forty thousand dollars (\$40,000.00) to be used for paying the current expenses of the State College of Washington. Appropriation, \$40,000.

SEC. 2. This act is necessary for the immediate support of the existing public institutions of the state and shall take effect immediately. Emergency.

Passed the House February 16, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 54.

[H. B. 102.]

CREATING OFFICE OF STATE TAX COMMISSIONER.

AN ACT creating the office of state tax commissioner, defining his powers and duties and repealing sections 9084 and 9089 of Remington & Ballinger's Code.

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

Appoint-
ment and
tenure.

SECTION 1. There is hereby created the office of state tax commissioner. Said state tax commissioner shall be appointed by the governor with the advice and consent of the senate. Said commissioner shall hold office for a term of four years but may be removed by the governor for any cause he may deem sufficient which power of removal shall be absolute and there shall be no right of review of the same in any court whatsoever. Before entering upon the duties of his office, said commissioner shall give surety bond in the sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance of his duties, cost of said bond to be paid by the state, and shall take and subscribe the oath required of state officers. The commissioner shall receive an annual salary of three thousand lars (\$3,000.00) payable in the same manner as the salaries of other state officers and shall be allowed such expenses as shall be actually and necessarily incurred in the performance of his duties. Said commissioner may appoint and remove at pleasure an assistant commissioner who shall draw a salary not to exceed eighteen hundred dollars (\$1,800.00) per annum and may appoint such clerks and other employees as may be necessary for the administration of the affairs of the department.

Official bond.

Salary.

Assistant
commis-
sioner.

Powers and
duties of
commis-
sioner.

SEC. 2. The commissioner shall have power and it shall be his duty to exercise all the powers and perform all the duties now vested in and required to be performed by the state board of tax commissioners.

Repealing
clause.

SEC. 3. Sections 9084 and 9089 of Remington & Ballinger's Code and all acts and parts of acts in conflict with

the provisions hereof are hereby repealed. The state board of tax commissioners is hereby abolished.

SEC. 4. Upon the taking effect of this act, the state tax commissioner shall be authorized and empowered to expend any appropriation made for the state board of tax commissioners for the purposes for which the same was appropriated.

Transfer of appropriation to board of tax commissioners.

Passed the House January 31, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 55.

[H. B. 103.]

STATE BOARD OF EQUALIZATION.

AN ACT relating to the state board of equalization, its composition, powers and duties, the duties of county assessor, and amending section 9204 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9204 of Rem. & Bal. Code be amended to read as follows:

Section 9204. The state auditor, the commissioner of public lands and the state tax commissioner shall constitute the state board of equalization. The state auditor shall be president of the board, and the state tax commissioner shall be secretary thereof. The board shall remain in session not to exceed twenty (20) days; may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors: *Provided*, That the expense of such board shall not exceed the sum of seven hundred fifty dollars (\$750.00) in any one year. The said board shall meet annually, on the first Tuesday in September, at the office of the state tax commissioner, and shall examine and compare the returns of the assessment of the property in the several counties of the state, and proceed to equalize the same, so that each county in

State board of equalization, how constituted.

Duties of state board.

the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal and uniform, so far as possible, in every part of the state, for the purpose of ascertaining the just amount of tax due from each county for state purposes.

Second. The secretary shall keep a full record of the proceedings of the board, and the same shall be published annually by said state tax commissioner.

Third. They shall have authority to adopt the rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by said board.

The said board of equalization shall apportion the amount of tax for state purposes as required by law to be raised in the state among the several counties therein, in proportion to the valuation of the taxable property therein for the year as equalized by the board, and shall also ascertain the gross amounts justly due from each county for military, state bond interest, and state bond sinking fund taxes, at rates and limitations fixed by law. It shall be the duty of the county assessor in each county when he shall have received the report of the state auditor, as provided in section 9206, to determine the rates per cent necessary to raise the taxes required for state purposes as determined by the state board of equalization, and place the same on the tax rolls of the county as provided by law.

Duty of
county
assessor.

Passed the House February 15, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 8, 1917.

CHAPTER 56.

[S. B. 32.]

SALE OF GRAIN SACKS MANUFACTURED AT STATE
PENITENTIARY.

AN ACT relating to the state penitentiary, regulating the sale of grain sacks and other fabrics and products manufactured at the state penitentiary, fixing the duties of the state board of control in connection therewith, and amending section 8559-2 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 8559-2 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8559-2. The jute grain sacks and other fabrics and products manufactured at the state penitentiary shall be sold directly to the farmers, oyster growers or wool growers of the State of Washington, who are actually engaged in farming, oyster culture and wool growing, and no sacks shall be sold within the State of Washington to any person not engaged in farming or oyster culture and wool growing: *Provided, however,* That the state board of control may, between June 1st and January 1st of each year, dispose of any of the penitentiary products, including grain sacks, in the open market of the world at such prices as they shall deem to be for the best interests of the state. The products sold to residents of the State of Washington shall be sold under such rules, regulations and terms as may be provided by said board, for cash: *Provided,* That the said board of control may in its discretion accept in lieu of cash a certificate of deposit upon any state or national bank doing business in the State of Washington, payable not later than the fifteenth day of December of the current year, said certificate of deposit to bear interest at the rate of three per cent per annum. The products of the penitentiary shall be apportioned and sold to the individual

Sale to
farmers,
oyster and
wool
growers.

Sales in
open market.

Apportionment for sale according to production of grain, oysters and wool.

farmers, oyster growers and wool growers within each county as near as may be *pro rata* according to the quantities of grain, oysters and wool produced by said farmers, oyster growers and wool growers during the current year, as determined by the state board of control. All payments for jute products and other fabrics and products shall be made to the superintendent of the state penitentiary, who is alone authorized to receipt therefor, and he shall keep a correct account of all sales, showing to whom sold, when sold, the quantity of each article sold, and the amount paid; and the superintendent of the penitentiary shall submit a transcript of said account of sales to the legislature through the board at each session thereof, and shall report the amount of such sales monthly to the state auditor.

SEC. 2. [Vetoed.]

Passed the Senate January 23, 1917.

Passed the House February 7, 1917.

Sec. 1 approved by the Governor February 17, 1917.

Sec. 2 vetoed by the Governor February 17, 1917.

CHAPTER 57.

[H. B. 216.]

HOTEL-KEEPER'S LIABILITY FOR LOSS OF BAGGAGE.

AN ACT to amend chapter 190 of the Laws of 1915, regarding the limit of liability for loss of baggage and effects.

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

SECTION 1. Chapter 190 of the Laws of 1915 is hereby amended so that said section when so amended shall read as follows:

Section 4. The liability of the keeper of any hotel whether individual, partnership or corporation, for loss of or injury to personal property belonging to a guest, other than that prescribed in the preceding sections, shall be that of a depository for hire: *Provided, however,* That

Limit of liability.

in no case shall such liability exceed the following: For a guest paying twenty-five cents per day, for lodging, the liability for loss shall not exceed the sum of fifty dollars for a trunk and contents, ten dollars for a suit case or valise and contents and five dollars for a box, bundle or package, and ten dollars for wearing apparel or miscellaneous effects. For a guest paying fifty cents a day for lodging, the liability for loss shall not exceed seventy-five dollars for a trunk and contents, twenty dollars for a suit case or valise and contents, ten dollars for a box, bundle or package and contents, and twenty dollars for wearing apparel and miscellaneous effects. For a guest paying more than fifty cents per day for lodging, the liability for loss shall not exceed one hundred and fifty dollars for a trunk and contents, fifty dollars for a suit case or valise and contents, ten dollars for a box, bundle or package and contents, and fifty dollars for wearing apparel and miscellaneous effects, unless in each case such hotel keeper shall have consented in writing to assume a greater liability: *And provided further*, Whenever any person shall suffer his baggage or property to remain in any hotel after leaving the same as a guest, and after the relation of hotelkeeper and guest between such guest and the proprietor or manager of such hotel has ceased, or shall forward the same to such hotel before becoming a guest thereof and the same shall be received into such hotel, such keeper may at his option hold such baggage or property at the risk of such owner and when any personal property has been kept and stored by such hotelkeeper for one year after the relation of hotelkeeper and guest has ceased or when it does not exist, the hotelkeeper may if he so desires and acting as the agent of the owner deliver said property to a reliable storage or warehouse company for further storage. In the event the warehouseman declines to accept such property for storage and the hotelkeeper not desiring to retain it longer in his possession, he may sell the same at public auction after paying the expenses incurred by advertisement and sale, as well as any storage that may

Unclaimed
baggage.

Sale at
public
auction.

have accrued, and he shall hold the remaining money arising from such sale subject to the demand of the owner or his legal representatives.

Passed the House March 2, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 58.

[H. B. 217.]

DIVERSION OF SPECIAL FUND REVENUES IN CITIES OF FIRST CLASS.

AN ACT relating to cities of the first class, and prohibiting therein the diversion of revenues secured for special purposes to other funds or uses and amending section 1 of chapter 17, Laws of 1915.

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

SECTION 1. That section 1 of chapter 17 of the Laws of 1915, be amended to read as follows:

Section 1. That whenever any city of the first class shall levy and collect moneys by sale of bonds or otherwise for any local improvement by special assessment therefor, the same shall be carried in a special fund to be used for said purpose, and no part thereof shall be transferred or diverted to any other fund or use: *Provided, however,* That any fund remaining after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by the city on account thereof, shall be refunded on demand to the amount of such overpayment: *Provided further,* That this section shall not be deemed to require the refunding of any balance heretofore or hereafter left in any local improvement fund after the payment of all outstanding obligations issued against such fund, where such balance accrues from any saving in interest or from penalties collected upon delinquent assessments, but any such balance

Diversion of local improvement funds prohibited.

Refund of excess.

Balance arising from penalties and saving in interest not to be refunded.

may be turned into the general fund or otherwise disposed of, as the legislative authority of such city may direct by ordinance.

Passed the House February 24, 1917.

Passed the Senate March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 59.

[H. B. 257.]

EXTENSION OF MUNICIPAL STREET RAILWAYS BEYOND CORPORATE LIMITS.

AN ACT empowering municipal corporations of the State of Washington to extend and operate any municipal street railway owned or operated by such municipal corporation to points outside of the corporate boundaries thereof; and fixing the area within which such privilege may be exercised.

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

SECTION 1. Any municipal corporation in the State of Washington which now owns or operates, or which may hereafter own or operate, any street railway within the corporate limits thereof, may construct and extend, own and operate such street railway to any point or points not to exceed three miles outside of its said corporate limits, measured along the line of such railway: *And provided*, That this act shall not apply to any municipally owned street railway which now extends beyond the city limits of any city.

Three mile extension authorized.

Inapplicable to existing lines beyond city limits.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 60.

[H. B. 211.]

PROHIBITING REMOVAL OR DESTRUCTION OF IDENTIFYING NUMBERS ON MOTOR VEHICLES AND BOATS.

AN ACT to prohibit the removal, defacement, covering, alteration, or destruction of the manufacturer's serial number or any other distinguishing number or identification mark on motor vehicles and motor boats and providing penalties for a violation thereof.

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

Purchase, sale, or possession unlawful when serial number altered.

SECTION 1. Whoever knowingly buys, sells, receives, disposes of, conceals, or has in his possession any motor vehicle or motor boat from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of the said motor vehicle or motor boat shall be guilty of a gross misdemeanor.

Possession prima facie evidence of guilt.

SEC. 2. In any prosecution under the provisions of section 1 of this act evidence that any person has, or at the time of his arrest charged with the violation of said section 1 had in his possession any motor vehicle or motor boat from which the manufacturer's serial number or numbers or other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed shall constitute *prima facie* proof of the guilt of such person.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 61.

[H. B. 168.]

PUBLICATION OF LEGAL NOTICES IN NEWSPAPERS.

AN ACT relating to publications in newspapers, authorized or required by law.

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

SECTION 1. Whenever any advertisement, notice, summons or other document is required by law to be published in a newspaper, the same shall be published in a newspaper which shall have been established, published and circulated continuously as a daily or weekly newspaper, as the case may be, in the city or town where the same is published at the time of the publication of such advertisement, notice, summons or other document, for at least six months prior to the date of such publication.

Six months' prior existence necessary.

Passed the House March 2, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 62.

[H. B. 179.]

WITHDRAWAL OF LAND TITLES FROM REGISTRATION.

AN ACT relating to the registration of titles to land, amending section 8841 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and providing the method of withdrawing land titles from registration.

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

SECTION 1. That section 8841 of Rem. & Bal. Code be amended to read as follows:

Section 8841. The obtaining of a decree of registration and receiving of a certificate of title shall be deemed an agreement running with the land and binding upon the applicant and the successors in title, that the land shall be and forever remain registered land, subject to the pro-

Land remains registered unless withdrawn.

visions of this chapter and of all acts amendatory thereof, unless the same shall be withdrawn from registration in the manner hereinafter provided. All dealings with the land or any estate or interest therein after the same has been brought under this chapter, and all liens, encumbrances, and charges upon the same shall be made only subject to the terms of this chapter, so long as said land shall remain registered land and until the same shall be withdrawn from registration in the manner hereinafter provided.

Withdrawal from registration authorized.

SEC. 2. The owner or owners of any lands, the title to which has been or shall hereafter be registered in the manner provided by law, shall have the right to withdraw said lands from registration in the manner hereinafter provided, and after the same have been so withdrawn from registration, shall have the right to contract concerning, convey, encumber or otherwise deal with the title to said lands as freely and to the same extent and in the same manner as though the title had not been registered.

Application for withdrawal.

SEC. 3. The owner or owners of registered lands, desiring to withdraw the same from registration, shall make and file with the registrar of titles in the county in which said lands are situated, an application in substantially the following form:

To the Registrar of Titles in the county of, State of Washington:

I, (or we),, the undersigned registered owner. . in fee simple of the following described real property situated in the county of, State of Washington, to-wit: (here insert the description of the property), hereby make application to have the title to said real property withdrawn from registration.

Witness my (or our) hand. . and seal. . this. day of, 19. . .

.....

Applicant's signature.

Said application shall be acknowledged in the same manner as is required for the acknowledgment of deeds.

SEC. 4. Upon the filing of such application and the payment of a fee of one dollar (\$1.00), the registrar of titles, if it shall appear that the application is signed and acknowledged by all the registered owners of said land, shall issue to the [applicant] a certificate in substantially the following form:

Filing fee.

THIS IS TO CERTIFY, That.....the owner (or owners) in fee simple of the following described lands situated in the county of....., State of Washington, the title to which has been heretofore registered under the laws of the State of Washington, to wit: (here insert description of the property), having heretofore filed his (or their) application for the withdrawal of the title to said lands from the registry system; *Now, therefore,* The title to said above described lands has been withdrawn from the effect and operation of the title registry system of the State of Washington and the owner (or owners) of said lands is (or are) by law authorized to contract concerning, convey, encumber or otherwise deal with the title to said lands in the same manner and to the same extent as though said title had never been registered.

Registrar's certificate of withdrawal.

Witness my hand and seal this.....day of, 19...

.....
Registrar of Titles for.....County.

SEC. 5. The person receiving such certificate of withdrawal shall record the same in the record of deeds in the office of the county auditor of the county in which the lands are situated and thereafter the title to said lands shall be conveyed or encumbered in the same manner as the title to lands that have not been registered.

Certificate to be recorded.

SEC. 6. This act shall not be construed to disturb the effect of any proceedings under said registry system, wherein the question of title to said real property has been determined, but all proceedings had in connection with the registering of said title, relating to the settlement or determination of said title, prior to such withdrawal, shall have

Title determined prior to withdrawal not affected.

the same force and effect as if said title still remained under said registry system.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 63.

[S. H. B. 182.]

FILLING LOWLANDS IN SECOND AND THIRD CLASS CITIES.

AN ACT relating to the filling of lowlands within cities of the second and third class, providing for the creation of assessment districts therefor, and the levying and collection of special assessments on the property benefited, amending sections 7971 and 7975 of Remington and Ballinger's Annotated Codes and Statutes of Washington, validating certain proceedings for the creation of assessment districts.

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

SECTION 1. That section 7971 of Rem. & Bal. Code be amended to read as follows:

Section 7971. Whenever the city council of any city dependent on account of the public health, sanitation, the general welfare, or other cause, to fill or raise the grade or elevation of any marsh-lands, swamp-lands, tide-lands, shorelands, or lands commonly known as tide flats, or any other lowlands situated within the limits of such city, and to clear and prepare said lands for such filling, such city council shall have power so to do and the expense thereof, including the cost of making compensation for property taken or damaged, and all other costs and expense incidental to such improvement, shall be assessed to the property benefited, except such amount of such expense as the city council, in its discretion, may direct to be paid out of the current or general expense fund: *Provided*, That if in the judgment of the city council the special benefits for any such improvement shall extend beyond the boundaries of the filled area, the council may create an enlarged district which shall include, as near as may be, all the

Special
assessments
authorized.

Enlarged
districts
beyond
filled areas.

property, whether actually filled or not, which will be specially benefited by such improvement, and in such case the council shall specify and describe the boundaries of such enlarged district in the ordinance providing for such improvement, and shall specify that such portion of the total cost and expense of such improvement as may not be borne by the current or general expense fund, shall be distributed and assessed against all the property of such enlarged district. Any proceedings for the creation of any such enlarged district heretofore established, or attempted to be established, are hereby validated. Proceedings for the filling and of changing the grade and elevation of any such lands may be had in the manner provided in this chapter.

Validation
of prior
proceedings.

SEC. 2. That section 7975 of Rem. & Bal. Code be amended to read as follows:

Section 7975. When such plans and specifications shall have been prepared and such estimate of the cost and expense of making such improvement shall be made and adopted by the council as set out in the preceding section, and when an estimate has been made of the compensation to be paid for property damaged or taken, either before or after such compensation shall be ascertained in the said superior court as hereinbefore provided, the city council through the proper officer or officers, of such city, shall cause an assessment roll to be prepared containing a list of all of the property within such improvement district which it is proposed to assess for such improvement, together with the names of the owners, if known, and if unknown the property shall be assessed to an unknown owner, and opposite each description shall be set the amount assessed to such description. When so ordered by the council, the entire amount of compensation paid or to be paid for property damaged or taken, including all of the costs and expenses incidental to the condemnation proceedings and together with the entire cost and expense of making the improvement, may be assessed against the property within the district subject to assessment, but the

Assessment
roll.

Assessment
of land
actually
filled.

Assessment
of other land
on special
benefits.

Deductions
for prior
filling.

Installment
payments.

council may order any portion of such costs paid out of the current or general expense fund of the city, in their discretion. The several parcels of land located within said improvement district to be assessed for such improvement which are actually filled shall be assessed according to and in proportion to surface area, a square foot of surface to be the unit of assessment, and the several parcels of land in any enlarged district not actually filled shall be assessed in accordance with special benefits: *Provided*, That where any parcel of land was partially filled by the owner prior to the initiation of the improvement an equitable deduction for such partial filling may be allowed. The cost and expense incidental to the filling of the streets, alleys and public places within such assessment district shall be borne by the private property within such district subject to assessment when so ordered by the council. When the assessment shall be payable in installments, the assessment-roll when equalized, as hereinafter provided, shall show the number of installments and the amounts thereof. The assessment herein provided may be made payable in any number of equal annual installments not exceeding ten (10) in number.

Passed the House March 2, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 64.

[S. H. B. 38.]

CHANGING NAME OF STATE INSTITUTION FOR FEEBLE MINDED.

AN ACT changing the name of "The State Institution for Feeble Minded" to "The State Custodial School."

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

Name
changed to
State Custodial
School.

SECTION 1. That the name of the state institution established by chapter 70 of the Laws of 1905 be, and the

same is hereby, changed to, and said institution shall hereafter be known as "The State Custodial School."

Passed the House February 20, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 65.

[S. B. 234.]

AMENDING CHARTER OF CITY OF YAKIMA AND CHANGING NAME TO UNION GAP.

AN ACT amending "An act to incorporate the city of Yakima, approved November 23, 1883."

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

SECTION 1. That section 1 of article 1 of an act to incorporate the city of Yakima approved November 23, 1883 be amended to read as follows:

Article 1, Section 1. That the city of Union Gap shall embrace and include the following described territory to-wit: Commencing at a point in the center of the main channel of the Yakima river opposite the middle of the main channel of the Ahtanum creek; thence up the middle of the main channel of said Ahtanum creek, to where the section line, between sections seven and eight (7 and 8) in township twelve (12) north, of range eighteen (18) east of the Willamette meridian intersects said Ahtanum creek; thence north on said section line to the third standard parallel; thence east, on said third standard parallel to where the same crosses the Yakima river; thence down the middle of the main channel of the Yakima river to the point of beginning.

Territorial limits.

SEC. 2. That section 2 of article 1 of an act to incorporate the city of Yakima approved November 23, 1883 be amended to read as follows:

Article 1, Section 2. The inhabitants of the city of Union Gap within the limits above described, shall be and

Delegation of power to city.

are hereby constituted a body politic, and corporate in fact and in law, by the name and style of the "city of Union Gap," and by that name and style, they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all suits and actions whatsoever; may purchase, acquire, receive and hold property, real, personal and mixed, for the use of the city; may lease, sell and dispose of the same, for the benefit of the city; may purchase, acquire, receive and hold real property beyond the limits of the city, to be used for burial purposes; also for the establishment of a hospital for the reception of persons affected with contagious or other diseases; also for work houses or houses of correction; also for the erection of water works to supply the city with water; and may sell, lease or dispose of them for the benefit of the city; or contract for the city supply of water for domestic purposes, and for irrigation and for the extinguishment of fires; and they shall have and use a common seal, and may alter and amend the same, and make a new one at pleasure.

Right of
suffrage.

SEC. 3. That section 5 of article IV. of an act to incorporate the city of Yakima approved November 23, 1883 be amended to read as follows:

Article IV. Section 5. Any male citizen, who has resided in the Territory of Washington six months, and within the corporate limits of the city of Union Gap for ninety days, next preceding any election, shall be a qualified elector at any city election.

SEC. 4. That section 5 of article VI. of an act to incorporate the city of Yakima approved November 23, 1883 be amended to read as follows:

Style of
ordinances.

Article VI. Section 5. The style of the city ordinances shall be "The people of the city of Union Gap do ordain as follows:"

Passed the Senate February 15, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 66.

[S. B. 291.]

AUTHORIZING EXCHANGE OF LANDS BETWEEN THE
STATE AND UNIVERSITY OF WASHINGTON.

AN ACT relating to an exchange of lands between the University of the State of Washington and the State of Washington acting by and through the commissioner of public lands for the purpose of securing an area suitable for a demonstration forest and forest experiment station for the college of forestry of the University of Washington.

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

SECTION 1. For the purpose of securing an area suitable for a demonstration forest and forest experiment station for the University of Washington authority is hereby granted the board of regents of the University of Washington and the commissioner of public lands with the advice and approval of the state board of land commissioners, all acting with the advice and approval of the attorney general, to exchange all or any portion of the granted lands of the University of Washington assigned for the support of said university by section 9 of chapter 122 of the act of March 14th, 1893, enacted by the legislature of Washington, being entitled, "An act providing for the location, construction and maintenance of the University of Washington, and making an appropriation therefor, and declaring an emergency," for all or any portion of such lands as may be acquired by the state under and by virtue of chapter 102, of the Session Laws of Washington for the year 1913, being: "An act relating to lands granted to the state for common schools and for educational, penal, reformatory, charitable, capitol buildings and other purposes providing for the completion of such grants and the relinquishment of certain granted lands; and making an appropriation," approved March 18th, 1913, by exchange with the United States in the Pilchuck-Sultan-Wallace watersheds included within the present boundaries of the Snoqualmie national forest. Said board of regents and commissioner of public lands

Powers
granted
University
regents and
commis-
sioner of
public lands.

with the advice and approval aforesaid are hereby authorized to execute such agreements, writings or relinquishments as are necessary or proper for the purpose of carrying said exchange into effect and such agreements or other writings to be executed in duplicate, one to be filed with the commissioner of public lands and one to be delivered to the said board of regents. Said exchange shall be made upon the basis of equal values to be determined by careful valuation of the areas to be exchanged.

Passed the Senate March 1, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 67.

[S. B. 241.]

DEFICIENCY APPROPRIATION FOR BUILDING CONSTRUCTION AT STATE SCHOOL FOR BLIND.

AN ACT appropriating the sum of four thousand five hundred eighty-four and ninety-eight one-hundredths dollars (\$4,584.98) for the payment of outstanding claims incurred in the construction of the school and administration building for the state school for the blind and for the completion of said building, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of four thousand five hundred eighty-four and ninety-eight one-hundredths dollars (\$4,584.98) for the payment of all outstanding claims incurred by the state board of control in the construction of the school and administration building for the state school for the blind after the default of the contractors having the contract for the installation of the plumbing and heating system therein, and for the completion of said building, the amount herein appropriated to be expended under the direction of the state board of control. Said treasury to be reimbursed from

Appropriation,
\$4,584.98.

the recovery of said sum from the bonding company when judgment is obtained therefor.

SEC. 2. This act is necessary for the support of the state government and its existing institutions and shall take effect immediately. Emergency.

Passed the Senate February 19, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 68.

[S. B. 125.]

LIENS ON CHATTELS.

AN ACT relating to liens upon chattels, and amending sections 1154, 1155, 1156, 1157 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and adding a new section to be known as section 1157-a of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1154 of Rem. & Bal. Code be amended to read as follows:

Section 1154. Every person, firm or corporation who shall have performed labor or furnished material in the construction or repair of any chattel at the request of its owner, shall have a lien upon such chattel for such labor performed or material furnished, notwithstanding the fact that such chattel be surrendered to the owner thereof: *Provided, however,* That no such lien shall continue, after the delivery of such chattel to its owner, as against the rights of third persons who, prior to the filing of the lien notice as hereinafter provided for, may have acquired the title to such chattel in good faith, for value and without actual notice of the lien.

Right to
lien.

SEC. 2. That section 1155 of Rem. & Bal. Code be amended to read as follows:

Section 1155. In order to make such lien effectual the lien claimant shall, within sixty days from the date of

Filing lien
notice.

delivery of such chattel to the owner, file in the office of the auditor of the county in which such chattel is kept, a lien notice, which notice shall state the name of the claimant, the name of the owner, a description of the chattel upon which the claimant has performed labor or furnished material, the amount for which a lien is claimed and the date upon which such expenditure of labor or material was completed, which notice shall be signed by the claimant or some one on his behalf, and may be in substantially the following form:

CHATTEL LIEN NOTICE.

Form of notice.

..... Claimant,)
 against
 Owner.)

Notice is hereby given that.....has and claims a lien upon (here insert description of chattel), owned by.....for the sum of.....dollars, for and on account of labor, skill and material expended upon said.....which was completed upon the.....day of....., 19....

 Claimant.

SEC. 3. That section 1156 of Rem. & Bal. Code be amended to read as follows:

Priority of lien.

Section 1156. The liens created by this chapter are preferred to any lien, mortgage or other encumbrance which may attach subsequently to the time of the commencement of the performance of the labor, or the furnishing of the materials for which the right of lien is given by this chapter, and are also preferred to any lien, mortgage or other encumbrance which may have attached previously to that time, and which was not filed or recorded so as to create constructive notice of the same prior to that time, and of which the lien claimant has no notice.

SEC. 4. That section 1157 of Rem. & Bal. Code be amended to read as follows:

Enforcement of lien

Section 1157. The lien herein provided for may be enforced against all persons having a junior or subsequent

interest in any such chattel, by notice and sale in the same manner that a chattel mortgage is foreclosed or by decree of any court in this state exercising original equity jurisdiction in the county wherein such chattel may be, in an action commenced within nine months after the filing of such lien notice, and if no such action shall be commenced within such time such lien shall cease.

SEC. 5. That there shall be added a new section to be known as section 1157-a to read as follows:

Section 1157-a. In every case originating in or removed to a court of competent jurisdiction, in which different liens are claimed against the same property, the court, in the judgment, must declare the rank of such lien or class of liens, which shall be in the following order:

Priority of
labor over
material
liens.

1. All persons performing labor;
2. All persons furnishing material;

And the proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank; and personal judgment may be rendered in an action brought to foreclose a lien, against any party personally liable for any debt for which the lien is claimed, and if the lien be established, the judgment shall provide for the enforcement thereof upon the property liable as in case of foreclosure of mortgages; and the amount realized by such enforcement of the lien shall be credited upon the proper personal judgment, and the deficiency, if any, remaining unsatisfied, shall stand as a personal judgment, and may be collected by execution against the party liable therefor. The court may allow, as part of the costs of the action, the moneys paid for filing or recording the claim, and a reasonable attorney's fee in the action.

Personal
judgment.

Deficiency.

Passed the Senate February 19, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 69.

[S. B. 323.]

AUTHORIZING COUNTIES TO CONVEY TO MUNICIPALITIES
LANDS ACQUIRED BY UNITED STATES GRANT.

AN ACT authorizing counties to convey lands held for county purposes under grant from the United States.

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

SECTION 1. Whenever any county shall hold title to lands, for county purposes, acquired by grant, patent or other conveyance from the United States executed under and pursuant to an act of Congress, and the board of county commissioners of such county shall by resolution find and determine that any portion of said lands is not required for county purposes and that it would be for the best interest of the county to have such portion of said lands devoted to use by a municipality lying within said county and including said lands for municipal purposes, the board of county commissioners of said county shall have power, by and with the consent of the Congress of the United States, to, by a proper instrument of conveyance executed by the board of county commissioners on behalf of the county, convey such lands to such municipality for municipal purposes, either with or without consideration, and shall not be required to advertise or offer said lands for sale or lease in the manner provided by law for the sale or lease of county property.

Passed the Senate February 23, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 10, 1917.

Extent of
power
conferred.

CHAPTER 70.

[S. B. 138.]

REPEALING § 503, REM. & BAL. CODE, RELATING TO
COMPUTATION OF MILEAGE.

AN ACT relating to court costs, fees and mileage and repealing section 503 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 503 of Remington & Ballinger's Code is hereby repealed.

Passed the Senate February 6, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 71.

[S. B. 285.]

METHOD OF VOTING IN PRIMARY ELECTIONS.

AN ACT relating to nominations for public office in the State of Washington, prescribing a method of voting, and amending sections 4813, and 4815, and repealing section 4822 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4813 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4813. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided. On the fifteenth day before the primary election the county auditor shall group all the candidates for each party by themselves, and shall prepare at once in writing, a separate sample ballot for each party for public inspection, which he shall post in a conspicuous place in his office. He shall proceed to have printed a separate primary election ballot for each political party

Method of
voting.

Arrange-
ment of
ballots.

which has qualified as hereinbefore provided. These ballots to be prepared in the following manner: Every ticket shall be absolutely uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain, black type, first, the name of the political party, on each ticket, following the words, "Primary election ballot." On the next line shall be printed the name of the political party, and below that the county in which the ballot is to be used. Then shall follow the words, "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote." Beginning at the top of the left-hand column, at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words, "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Following this shall come the name of each candidate for that position inclosed in a light faced rule, with a square to the right of said name, said square being separated by a heavy black face rule, the parallel rules containing the names and squares to be one-sixth of an inch apart. Each position with the name running for that office, shall be separated from the following one by a black face rule to separate each position clearly. The position shall be arranged as follows: *Provided*, Nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided. First, United States senator; next, congressional; next, state; next, legislative; next, county officers; next, precinct officers; next, precinct committeemen; in all cases following under each heading here given, the rotation used in the make-up of the various ballots at the general election. In city elections it shall be the duty of the city clerk to prepare the ballots and arrange the position of the candidates on such ballots, commencing with the office of mayor and following with the offices for which candidates are to be selected, using his reasonable discretion as to such arrangement.

The duties provided for in this act to be performed by the county auditor with reference to candidates for county and district offices or either of them shall in like manner be performed by the city clerk in each city with reference to the preparation of ballots and primary elections for candidates for city offices. The form of ballot shall be substantially as follows :

(Form of Ballot)

PRIMARY ELECTION BALLOT

.....Party
 Designation of Party

.....County

To vote for a person, make a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

UNITED STATES SENATOR Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	MEMBER OF HOUSE OF REPRESENTATIVESDISTRICT Vote for <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
CONGRESSIONAL REPRESENTATIVE IN CONGRESS Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	COUNTY COUNTY CLERK Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
GOVERNOR STATE Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	TREASURER Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
LIEUTENANT GOVERNOR Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	SHERIFF Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SECRETARY OF STATE Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	CORONER Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
STATE AUDITOR Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	PROSECUTING ATTORNEY Vote for one <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

STATE TREASURER	Vote for one	COUNTY AUDITOR	Vote for one
_____	_____	_____	_____
_____	_____	_____	_____
ATTORNEY GENERAL	Vote for one	COUNTY ENGINEER	Vote for one
_____	_____	_____	_____
_____	_____	_____	_____
COMMISSIONER OF PUBLIC LANDS	Vote for one	SUPERINTENDENT OF SCHOOLS	Vote for one
_____	_____	_____	_____
_____	_____	_____	_____
INSURANCE COMMISSIONER	Vote for one	COUNTY COMMISSIONERS	Vote for _____
_____	_____	_____	_____
_____	_____	_____	_____
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION	Vote for one	JUSTICE OF THE PEACE	Vote for _____
_____	_____	_____	_____
_____	_____	_____	_____
LEGISLATIVE STATE SENATOR	Vote for one	CONSTABLE	Vote for _____
.....DISTRICT	_____	_____	_____
_____	_____	_____	_____
_____	_____	PRECINCT COMMITTEEMAN	(Write one name)
_____	_____	_____	_____

SEC. 2. That section 4815 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4815. Every qualified person, properly registered as a voter in the election precinct enabling him to vote at the ensuing election where registration is required, and every qualified person in precincts where registration is not required, shall be entitled to participate in the primary election. When he desires to vote at said primary each elector shall have the right to receive the ballot only of the party for which he is registered if living in a precinct in which registration is required, or if living in a precinct in which no registration is required the ballot of the party for which he asks; and in the latter event, he

Qualified voters.

Party ballots.

shall, if challenged, be required to make oath or affirmation that he intends to affiliate with said party at the ensuing election and intends to support its candidates generally. Thereupon he shall retire to one of the booths and without undue delay mark the ballot received by him and fold it so that its face shall be concealed. He shall thereafter deliver said ballot received by him to the election officers. In the event said voter shall soil or deface the ballot he desires to vote he shall at once return the ballot received by him and get a new ballot and the election officers shall destroy or render unfit for use the ballot so returned. The elector shall designate his choice on his ballot by making a cross in each of the small squares nearest the names of the candidates for whom he desires to vote and shall not vote for more candidates for an office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

Challenges.

Designation
of choice.

SEC. 3. That section 4822 of Rem. & Bal. Code is hereby repealed.

Repealing
clause.

Passed the Senate February 26, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 72.

[S. B. 67.]

HIGHWAY IMPROVEMENT AT EXPENSE OF LAND
BENEFITED.

AN ACT relating to the improvement of certain highways, providing a method for the collection and payment of the cost thereof, and amending sections 5731, 5733, 5737, 5738, 5739, 5740, 5741, 5742, 5744, 5745, 5746, 5747, 5755, 5756, 5757, 5761, 5762, 5763, 5764 and 5765, and repealing sections 5748, 5749, 5750, 5751, 5752, 5753, 5754, 5766 and 5767 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5731 of Rem. & Bal. Code be amended to read as follows:

Section 5731. The word "improvement" as used in this chapter shall mean a road as contemplated to be improved under this chapter. The word "road" shall be construed to mean a public highway or thoroughfare. The words "territory (or property) particularly benefited" as used in this chapter shall be construed to include, in addition to the lands lying within two miles of either side of the center line of the improvement, all road districts or townships which will be subject to assessment for the improvement. The words "improvement boundary" as used in this chapter shall be construed to mean lines on either side of the road, following the meanders thereof, and two miles distant from, or within a two mile radius of any point on, the center line of improvement connected at the respective termini thereof by lines drawn at such angles respectively as will avoid the overlapping of the boundary by a new district, should the improvement of the highway be extended, and at the same time include all property lying within the distance aforesaid of any point on the center line of one or the other of the improvements: *Provided*, That when the center line of the improvement intersects the corporate boundary of a city or town the line connecting the termini of the side boundary lines shall follow the meandering of the city boundary insofar as said boundary shall come within said two mile limit: *Provided*,

Definition
of terms.

Intersection
with city
boundaries.

That any road district may build, re-grade, or otherwise improve, in any manner, regardless of the termini thereof, any road or part thereof, within the limits of such road district, under the provisions of this act. Words used in the singular in this chapter shall include the plural and the plural shall include the singular.

Improve-
ment
irrespective
of termini.

SEC. 2. That section 5733 of Rem. & Bal. Code be amended to read as follows:

Section 5733. An improved road contemplated under this chapter shall be constructed as near as practicable along the center line of an established highway, and shall be uniformly graded to a width of not less than sixteen feet; the grade thereof shall not at any point, exceed five per cent: *Provided*, That where by reason of physical conditions it is not feasible or practicable to obtain a grade of five per cent, a grade of not to exceed ten per cent may be used; proper drains, culverts and bridges shall be constructed to convey off all surface and seepage water, and when the road is located along a hillside or incline, the drainage of the surface of the roadbed shall be toward the hillside or incline; a roadway shall be constructed upon the graded road in such manner and of such material as will permit of heavy freighting and rapid driving during any time of the year, and if such construction shall be of macadam, concrete, brick or other hard surface it shall not be less than sixteen feet wide.

Width of
improved
road.

Grade per
cent.

Drainage.

SEC. 3. That section 5737 of Rem. & Bal. Code be amended to read as follows:

Section 5737. If the bond be approved by the clerk of the board of county commissioners, he shall immediately deliver a copy of the petition to the commissioners, who shall fix a time and place for the hearing and consideration of said petition, which time shall be not less than fifteen nor more than sixty days from the date of filing the petition, and shall cause a notice of said hearing, stating the subject matter of said petition and the place and time of the hearing, to be published in the official newspaper of the county for two weeks immediately pre-

Hearing of
petition.

ceding the hearing, and proof of such publication, verified by the affidavit of the owner or publisher of said newspaper, shall be filed with the clerk of the board of county commissioners on or before the date of hearing, and pending said hearing the board of county commissioners shall cause the county engineer to make a preliminary survey of said proposed improvement, and an estimate of the cost thereof, and the engineer shall attend said hearing and report the estimated cost of said improvement, together with his recommendations as to the feasibility of said improvement, and his suggestions as to the nature and character thereof. If at the hearing the commissioners shall determine that the improvement asked for is not feasible, or that the cost thereof will be excessive, they shall dismiss the petition and the proceedings at the cost of the petitioners, and shall cause an itemized bill of costs to be made up by the clerk for their examination and approval, which shall include the per diem of the engineer, and all other costs necessarily incurred. If the commissioners find for the improvement they shall, by resolution entered in their journal, order said improvement.

Dismissal.

SEC. 4. That section 5738 of Rem. & Bal. Code be amended to read as follows:

Section 5738. If the improvement is ordered by the board of county commissioners, the board may require the county engineer to perform all engineering in connection with, and to supervise the construction of, said improvement, or may, at the request of the petitioners, employ a construction engineer for that purpose and fix his compensation, and such compensation shall be paid by the county.

Order for improvement.

Engineer.

Whenever the board of county commissioners shall pass a resolution ordering the improvement of a public highway under the provisions of this act, a certified copy thereof shall be transmitted to the county engineer, or construction engineer, appointed as aforesaid, who shall thereupon make the necessary surveys and prepare the pro-

Profiles, plans, and estimates.

files, maps, plans, specifications and an estimate of the cost of construction or improvement of the highway, or section thereof, described in the resolution making such recommendations concerning deviations from existing lines as he shall deem of advantage to obtain a shorter and more direct route or to lessen gradients, or to otherwise improve such highway.

Upon the completion of such profiles, maps, plans, specifications and estimate, a copy thereof shall be transmitted to the board of county commissioners, and upon the receipt of which, the board of county commissioners may pass a resolution adopting the same and that such highway, or section thereof, shall be improved under the provision of this act. The profiles, maps, plans, specifications and estimate as finally adopted by the board of county commissioners shall be filed in the office of the county engineer and shall become a permanent record of the county. The engineer shall also make and return a schedule and plat of all the lots and lands lying within the improvement boundary, which plat shall be drawn upon a scale sufficiently large to represent all the meanderings of the road proposed to be improved, and shall distinctly show the boundary lines of each lot or tract of land included in the improvement boundary, the name of the owner of each lot or tract of land as the same may appear upon the records in the office of the county auditor at the time, and an estimate of the total cost of the entire improvement proposed, which estimate shall include all fees and salaries estimated to be paid for locating, supervising and appraising, together with such other matters as the engineer may deem material. The profiles shall show the surface line, the grade line and the gradient fixed, and the engineer shall make and file with his report an itemized bill of all costs made in the discharge of his duty under this section, and shall file his report with the clerk of the board of county commissioners immediately after making the survey.

Adoption of specifications.

Schedule of lands in district.

SEC. 5. That section 5739 of Rem. & Bal. Code be amended to read as follows:

Appraisers. Section 5739. Immediately upon the filing of the engineer's report, the county commissioners shall appoint three disinterested appraisers, residing within the county, but not within the territory particularly benefited by the proposed improvement, whose duty it shall be to at once proceed to assess the benefits of such proposed improvement to the corporations, companies, persons and property particularly benefited thereby, and estimate the damages to property over or through which the road shall be established or re-located, and award the same to the owners thereof. Before entering upon their duties, the appraisers shall severally take and subscribe to an oath to impartially and, to the best of their knowledge and ability, perform the duties required of them, and file said oath with the clerk of the board of county commissioners. Said clerk shall thereupon and forthwith deliver into the hands of the appraisers the engineer's report upon the proposed improvement, and all maps, charts and schedules pertaining thereto, taking a receipt from said appraisers therefor. The appraisers shall thereupon proceed to actually view in person all lands as shall appear from the engineer's report to lie within the improvement boundary, and obtain from the duplicate assessment-roll of the county the total assessed valuation at the time of all property within the limits of any road district or township through or into which the proposed improvement is located. They shall then prepare a schedule, which shall set forth:

Oath.

Duties.

County benefits. 1. The benefits assessed to the county for such improvement, shall be one-half of the whole estimated cost thereof;

Road district benefits. 2. The benefits assessed to each road district or township through or into which the improvement is located, which assessment shall be equal upon all the assessed property in the road district or township according to the value thereof as shall appear upon the duplicate assessment-roll of the county at the time, and which benefits shall

be one-fourth of the whole estimated cost of the improvement within the boundary of the road district or township.

3. The benefits assessed to the lots and lands lying within the proposed improvement boundary, listing each tract of land assessed, giving the number of acres thereof, the owner as shall appear of record, the estimated valuation of each tract exclusive of improvement, and the benefit assessed thereto, and the total amount of benefits assessed to lots and lands shall be one-fourth of the whole estimated cost of the proposed improvement: *Provided*, That the lots or tracts of land within the improvement boundary whose natural outlet will not be in whole or in part over said road when improved, shall not be separately assessed under the provisions of this clause.

Benefits assessed against individual owners.

Exceptions.

4. A list of each tract or lot or portion thereof taken and damaged by the establishment or re-location of the road proposed to be improved and the lands contiguous or lying near thereto on which is located material necessary or available to be used in the construction of the proposed improvement, and of materials available for construction on contiguous or near lying lands, which list shall recite the number of acres of each of such lands so to be taken or damaged, and the amount of such contiguous or near lying materials estimated to be required, the owner thereof as shall appear of record, the estimated value thereof including improvement thereon, and the damages resulting therefrom, and the award made therefor.

Estimate of damages.

SEC. 6. That section 5740 of Rem. & Bal. Code be amended to read as follows:

Section 5740. The appraisers shall, within sixty days after date of entering upon their duties, file a report of their findings, together with the engineer's report and all other papers to them delivered, with the clerk of the board of county commissioners, which report shall contain a schedule and estimate of all property that will be damaged, or benefited, or both damaged and benefited by the proposed improvement. Such schedule and estimate shall be arranged in parallel columns, with appropriate headings,

Appraisers' report.

and shall show the description of the property, and if land, give the legal subdivisions, section, township and range and number of acres; and if platted, the name of the plat and the lot and block number; the name of the owner or owners or reputed owner or owners; the estimated gross damages that will be sustained by reason of the proposed improvement; the estimated gross benefits that will accrue; and the right-hand column of the schedule shall be sufficiently wide for the signature of the owner, and shall bear the heading: "I, the undersigned owner of the property opposite which I have signed my name, accept and agree to the estimated amount of benefits and damages that will accrue to my property by reason of the proposed improvement;" and the appraisers shall make and file with their report an itemized bill of all costs made in the proper discharge of their duties under this chapter; and in such bill the appraisers shall not charge for services in excess of four dollars per day for each appraiser for time actually employed, and no extra compensation shall be allowed for mileage; upon the filing of such report the clerk shall without delay fix a date for the hearing of the reports of the engineer and appraisers; which date shall be not less than fifteen or more than thirty days from the date of filing said reports, and shall prepare a notice in writing, directed to all owners of land, road districts or township, affected by the improvement, setting forth the pendency, substance and prayer of petition, and enumerating the townships or road districts and the several sections of land, according to the United States survey, which shall lie wholly or partially within the proposed improvement district, and a tabular statement of the assessments of benefits and awards of damages as made by the appraisers in their report, and stating the time and place of the hearing thereon. Such notice shall be published in the official newspaper of the county for at least two consecutive weeks before the day set for the hearing, which publication shall be proved by the affidavit of the printer or publisher of such newspaper and filed with the clerk on or before the date of hearing.

Notice of
hearing on
report.

SEC. 7. That section 5741 of Rem. & Bal. Code be amended to read as follows:

Section 5741. On the date set for said hearing the board of county commissioners shall meet at the place designated in the notice, and shall first determine whether the required notice has been given. If they find that due notice has not been given, they shall continue the hearing to a day to be fixed by them and order the notice to be published as hereinabove provided. If it appear that due notice of such hearing has been given, the board of county commissioners shall proceed with the hearing on the report of the engineer and the appraisers, and any objections thereto, and may adjourn said hearing from time to time.

Hearing before county commissioners.

SEC. 8. That section 5742 of Rem. & Bal. Code be amended to read as follows:

Section 5742. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the improvement and the probable benefits to accrue therefrom, and may change, add to or modify the plans for such improvement, and change the estimate of damages or benefits in any case, and may review, change and modify any of the findings and estimates of the engineer or the appraisers, and may, in its discretion, employ another engineer to make separate findings on any or all of the matters hereinbefore required to be included in the report of the engineer and may adjourn said hearing and await such report. In case any change in the plans of the proposed improvements is made at said hearing, and such change will cause additional damages to any property, or will damage any property not damaged under the original plans, the engineer and appraisers shall prepare and file a schedule showing the estimated damages and benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlement made as hereinafter provided.

Power to amend plans.

Engineer's schedule under changed plans.

SEC. 9. That section 5744 of Rem. & Bal. Code be amended to read as follows:

Owner's
deeds to
county.

Section 5744. In case any owner of property to be taken or damaged, or taken and damaged, by the proposed improvement shall agree to accept the damages estimated by the appraisers, or as fixed by the board of county commissioners, the board of county commissioners shall direct the clerk of the board to prepare a deed to be approved by the engineer and the prosecuting attorney, conveying to the county, for the benefit of the proposed district, the property to be taken, and the right to damage property not taken. If the damages agreed upon are equalled or exceeded by the agreed estimated benefits, the grantors in the deed shall execute and deliver the same without consideration other than the right to have the damages offset against the benefits in the apportionment of the cost of the improvement as hereinafter provided. If the damages agreed to are damages to property not benefited, or if such damages exceed the agreed benefits, the grantors in the deed shall execute and deliver the same upon the receipt of a warrant drawn by the county auditor, under the direction of the board of county commissioners, upon the general road and bridge fund of the county, for the amount of damages, or the amount of excess of damages over benefits, as the case may be. No such deed shall be accepted, either with or without consideration, until the title conveyed thereby has been approved by the prosecuting attorney.

SEC. 10. That section 5745 of Rem. & Bal. Code be amended to read as follows:

Condemna-
tion
proceedings
on failure to
deed lands.

Section 5745. If at the conclusion of the hearing on the report of the engineer and appraisers, it shall appear to the board of county commissioners that the owner of any property to be taken or damaged by the proposed improvement, has not accepted and agreed to the damages estimated by the appraisers or fixed by the board, the board may, in its discretion, appoint an agent to secure acceptances and deeds from such owners, and shall, within

a reasonable time, direct the prosecuting attorney of the county to institute proceedings in the superior court of the county in which the property affected is located, for the determination of the damages to be sustained and the condemnation of any property the title to which or the right to damage which has not been acquired, and shall direct the clerk of the board to furnish the attorney with a certified copy of such proceedings of the board as he shall require.

SEC. 11. That section 5746 of Rem. & Bal. Code be amended to read as follows:

Section 5746. For the purpose of taking or damaging property for the purposes of this chapter, counties shall have and exercise the power of eminent domain and the mode of procedure therefor shall be as provided by law for the condemnation of lands by counties for public highways.

Eminent domain conferred.

SEC. 12. That section 5747 of Rem. & Bal. Code be amended to read as follows:

Section 5747. The jury in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the jury, in determining the amount of damages, shall take into consideration the benefits, if any, that will accrue to the property damaged by reason of the proposed improvement, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of benefits that will accrue. If it shall appear by the verdict of the jury that the gross damages exceed the gross benefits, judgment shall be entered against the county and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over the benefits, and for the costs of the proceedings, and upon payment of the judgment into the registry of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the county. If it shall appear by the verdict that the gross benefits as found by the jury equal or exceed the

Verdict of jury determining damages.

gross damages, judgment shall be entered against the county and in favor of the owner or owners for costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered, vesting the title to the property appropriated in the county. The verdict and findings of the jury as to damages and benefits shall be binding upon the board of county commissioners, and the necessary amendments to comply therewith shall be made upon the schedule of damages and benefits prepared by the appraisers and filed with the board of county commissioners.

Repealing
clause.

SEC. 13. That sections 5748, 5749, 5750, 5751, 5752, 5753, 5754, 5766 and 5767 of Rem. & Bal. Code be hereby repealed.

SEC. 14. That section 5755 of Rem. & Bal. Code be amended to read as follows:

Bids for
construction.

Section 5755. At any time after the expiration of five days from the entry of the resolution of the board of county commissioners ordering an improvement under the provisions of this act, the board of county commissioners may fix a time for the receiving and opening of sealed bids for the construction of the proposed improvement, and if in the opinion of the board of county commissioners the interests of the public will be advanced thereby, they may divide the improvement into sections of a more or less number of lineal feet, and call for bids on each of said sections, or they may call for bids for each kind of work to be done or material to be furnished, or any one or more of such kinds of labor and material, as they may believe to be advisable, but in every case all of the construction shall be performed by contract, duly awarded, as provided in this section. They shall cause notice to be given, as hereinafter provided, of the time and place of awarding contracts, and shall direct the engineer who made the survey and estimates, or other competent engineer, to attend at the time and place of opening bids. The board of county commissioners shall superintend and conduct the same, receive all bids for the construction of

the improvement, and enter into agreements in the name of the county. The notice for bids shall state the location and general nature of the improvements to be done, and where the plans and specifications are filed for examination, and shall be signed by the clerk of the board of county commissioners by order of the board. The notice shall be published for at least two consecutive weeks previous to the date of receiving and opening bids, in one or more daily or weekly newspapers published and of general circulation in the county, and in such other manner as the board may see fit to direct.

Call for
bids.

SEC. 15. That section 5756 of Rem. & Bal. Code be amended to read as follows:

Section 5756. Every bid shall be accompanied by a certified check for at least one-tenth of the amount bid, in case the bid is for one thousand dollars (\$1,000.00) or less, and for not less than one-twentieth of the amount bid in case the bid exceeds one thousand dollars (\$1,000.00), payable to the county, which check shall be forfeited to the county upon the failure of any successful bidder for a period of ten days after any contract is awarded to such bidder to execute a contract in writing to perform the work according to the plans and specifications, and furnish the bond required. No bid shall be received by the board of county commissioners unless the same was filed with the clerk of the board prior to the time fixed in the notice calling therefor, and at the time fixed all bids then received shall be immediately opened and publicly read. The board of county commissioners may reject any or all bids if in their judgment good cause exists therefor, or if the total amount of bids for the several items of construction for which bids were called for shall exceed the estimated cost of construction, but otherwise they shall award the contract or contracts to the lowest and best responsible bidder or bidders who shall give satisfactory evidence of ability to perform the contract or contracts. Bidders to whom contracts shall be

Check or
bond to
accompany
bid.

Power to
reject bids.

Surety
bonds on
contracts.

awarded, shall execute for the benefit of the county, a surety bond to accompany each separate contract, conditioned for the faithful performance of the contract, in a sum equal to the full amount of the contract.

SEC. 16. That section 5757 of Rem. & Bal. Code be amended to read as follows :

Payments
on contracts.

Section 5757. When the amount of any contract is less than one thousand dollars (\$1,000.00) no payment shall be made thereon until the contract is fully completed to the satisfaction of the board. When partial payments are provided for in any contract, as each payment becomes due and before payment shall be made, the engineer in charge of the work shall file with the clerk of the board of county commissioners an estimate of the amount of work done or material furnished, and his certificate that such work has been done in all respects as required by the contract. If such estimate and certificate be approved by the board of county commissioners the clerk of the board shall as county auditor draw a warrant on the county treasurer in favor of the contractors for the amount due: *Provided*, That no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done: *And provided further*, That before any final payment is made on any contract, the work shall first be examined by the engineer who prepared the estimate, or other competent engineer appointed by the board of county commissioners, and the engineer shall file his certificate with the clerk of the board of county commissioners that the work has been fully performed and completed in accordance with the contract. Upon the filing of such certificate of the engineer the board of county commissioners shall examine the work, and if the same is found to have been fully completed in accordance with the contract, shall by resolution entered in their minutes make final payment and direct the county auditor to draw his warrant on the country treasurer for the amount due.

Partial
payments.

Final
payment.

SEC. 17. That section 5761 of Rem. & Bal. Code be amended to read as follows:

Section 5761. When the petition shall so request, the portion of the cost of the improvement chargeable to the improvement district shall be paid for in annual installments by an annual tax levied upon the property assessed for benefits in proportion to the benefits assessed. The petition shall set forth "that the improvement be paid for on the years installment plan," and the number of years shall not be more than twenty. When the improvement is done under the provisions of this section the board of county commissioners shall by resolution direct the county treasurer to open an account to be known as "the road improvement fund." The clerk of the board of county commissioners shall divide the total estimated cost of the improvement and apportion the same in accordance with the findings and report of the board of appraisers and those portions of the expense to be borne by the county, townships or road districts shall be levied and collected as other taxes, after the awarding of the contract for said improvement: *Provided*, That the board of county commissioners shall if the petitioners so request arrange that the portion of the expense to be borne by the road districts or townships be paid in not to exceed five annual installments and the board may in its discretion provide that the portion of the expense to be borne by the county be paid in not to exceed five annual installments, and shall divide that portion of the expense to be borne by the county, road district or townships, and also the lots and land lying within the proposed improvement boundaries and found to be specially benefited, into as many equal parts as there are installments, and shall each year, when an installment is payable, extend the amount of the same together with interest on the deferred payments at the rate of six per centum per annum upon the duplicate assessment roll against the persons and property assessed for benefits, and it shall be the duty of the county treasurer to collect the same as other taxes

Payment
in annual
installments.

are collected: *Provided, further,* That the owners may pay all or any number of such deferred payments at any time after the filing of the approved schedule of assessments with the county treasurer.

SEC. 18. That section 5762 of Rem. & Bal. Code be amended to read as follows:

Road im-
provement
fund.

Section 5762. That all monies collected by levy and assessment for improvements made under the provisions of this act shall be paid into such "... road improvement fund" and all payments made for costs of said improvements shall be paid by warrants drawn by the county auditor on said improvement fund upon presentation of proper vouchers, and such warrants shall bear interest at a rate not exceeding six per cent per annum.

Warrants
on.

SEC. 19. That section 5763 of Rem. & Bal. Code be amended to read as follows:

Bond issue
authorized.

Section 5763. That whenever the board of county commissioners shall have provided for the payment of said assessment in installments, as aforesaid, it may, if it shall deem it necessary or proper, issue bonds of the county, payable from the said road improvement fund, not to exceed twenty years after the date of the issuance thereof, with such option to redeem as shall be advisable, in an amount not exceeding the cost of such improvement, and said bonds shall bear interest at a rate not greater than six per cent per annum, and shall be sold at not less than par, by the board of county commissioners in such manner as they shall deem advisable: *Provided,* That should there not be sufficient money in said improvement fund to make payment of any installment of interest, or the bonds when due, said interest or bonds may be paid out of the general road and bridge fund or the current expense fund of the county, as may be directed by the board of county commissioners, and such fund shall be reimbursed from said improvement fund from time to time as monies are paid therein.

Interest
payments
out of gen-
eral funds.

SEC. 20. That section 5764 of Rem. & Bal. Code be amended to read as follows:

Section 5764. That when a proposed road improvement shall intersect a road which has been completed or ordered constructed under any local improvement plan, that portion of the proposed new district overlapping the limits of the old improvement district shall be divided into four equal subdivisions parallel to the previously improved road, and numbered consecutively from the line of the previously improved road on either side thereof. The first subdivision shall be assessed one-fifteenth of the cost of the proposed new road improvement, the second, two-fifteenths of the cost of the proposed new road improvement, the third, three-fifteenths of the cost of the proposed new road improvement and the fourth, four-fifteenths of the cost of the proposed new road improvement, and the remainder of the cost of the improvement chargeable to said area shall be paid by the county out of the general road and bridge fund.

Adjustment
where new
district over-
laps old.

SEC. 21. That section 5765 of Rem. & Bal. Code be amended to read as follows:

Section 5765. That no assessments for road construction or improvements, under the terms of this act, for which any county may be held liable, shall ever exceed four mills in any one year.

Limit of
tax levy.

SEC. 22. Nothing in this act shall be construed as affecting any improvements already begun under the provisions of the act of which this act is amendatory, or any outstanding obligations incurred under such act: *Provided, further,* That all proceedings completed or uncompleted, heretofore had under sections 5730 to 5782 inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, whether pursuant to said sections or in accordance with this act, are hereby declared valid and binding, and may be completed under this act.

Uncompleted
construction
under prior
act.

SEC. 23. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 15, 1917.

Passed the House February 28, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 73.

[S. B. 239.]

RE-APPROPRIATION OF UNEXPENDED BALANCE FOR PERMANENT HIGHWAYS.

AN ACT re-appropriating one million fifty thousand one hundred eighty dollars and eighteen cents (\$1,050,180.18) from the permanent highway fund to complete contracts now in force on permanent highways and for new construction and maintenance of permanent highways and declaring an emergency.

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

SECTION 1. That the sum of one million fifty thousand one hundred eighty dollars and eighteen cents (\$1,050,180.18), or as much thereof as may be necessary, be and the same is hereby re-appropriated from the permanent highway fund for completing work already under contract and construction on permanent highways, and for new construction on and the maintenance of permanent highways, the same being the unexpended balance of the permanent highway appropriations as shown by the state auditor's books on February 1st, 1917.

SEC. 2. This act is necessary for the immediate support of the state government and its existing institutions and shall take effect immediately.

Passed the Senate February 19, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

Appropriation, \$1,050,180.18.

Emergency.

CHAPTER 74.

[S. B. 238.]

APPROPRIATION FOR CONSTRUCTION AND MAINTENANCE
OF PERMANENT HIGHWAYS.

AN ACT appropriating the sum of three million nine hundred forty-two thousand eighteen dollars (\$3,942,018.00) from the permanent highway fund to complete contracts and construction work now in force on permanent highways, for the purpose of making payments on new contracts on permanent highways and for the maintenance of permanent highways, and declaring that this act shall take effect immediately.

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

SECTION 1. That the sum of three million nine hundred forty-two thousand eighteen dollars (\$3,942,018.00), or as much thereof as may be necessary, be, and the same is hereby appropriated from the permanent highway fund for completing work already under contract and construction on permanent highways, and for the purposes of new contracts on and the maintenance of permanent highways.

Appropriation,
\$3,942,018.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Emergency.

Passed the Senate February 19, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 75.

[H. B. 394.]

APPROPRIATION FOR PRIMARY AND SECONDARY
HIGHWAYS.

AN ACT relating to the public highways and making an appropriation for the engineering, construction and maintenance of state roads and declaring an emergency.

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

SECTION 1. For the engineering, construction and maintenance of primary and secondary highways of the

Appropriation,
\$1,812,052.

state, there is hereby appropriated out of the public highway fund the sum of \$1,812,052.00.

The Pacific Highway, for engineering and construction, from Chehalis to Vancouver.....	\$248,878 00
The Pacific Highway, for engineering and construction, from Seattle to Olympia.....	57,350 00
The Pacific Highway, for engineering and construction, from Bellingham to Everett.....	134,125 00
The Pacific Highway, for engineering and construction, from Blaine to Ferndale.....	9,250 00
The Olympic Highway, for engineering and construction, from Thurston county line to Clallam county line	100,825 00
The Olympic Highway, for engineering and construction, from Mud Bay to Elma.....	53,187 00
The Olympic Highway, for engineering and construction, from Lake Quinault northwest.....	37,614 00
The Olympic Highway, for engineering and construction, from Forks south to Jefferson county line....	27,750 00
The McClellan Pass Highway, for engineering, construction and bridging between Horse Shoe Bend and the summit of the Cascade mountains.....	32,375 00
The McClellan Pass Highway, for engineering, construction and bridging between Enumclaw and the summit of the Cascade mountains.....	69,375 00
The National Park Highway (mountain road), for clearing to a width of forty feet, grading and surfacing, with cuts and fills, retaining walls, culverts and bridges; to start south on said highway from the common corner of sections nineteen, twenty-four, twenty-five and thirty in township seventeen north, range three and four, E. W. M., and continuing southerly on said highway so far as the amount here appropriated will permit towards Ashford: <i>Provided, however,</i> That thirty thousand (\$30,000.00) dollars or as much thereof as may be necessary shall be used for the clearing, grubbing, grading and draining of this section between Elbe and Ashford	92,500 00
The National Park Highway, for engineering and construction, Nemah to Ocean Beach.....	46,250 00
The National Park Highway, for engineering and construction, Riffe bridge, Lewis county, bridge and approaches	11,100 00
The Inland Empire Highway, for engineering, construction and improvement, from the end of the permanent highway at Benton City, eastward....	23,598 00
The Sunset Highway, for engineering and construction, from North Bend to Vantage Ferry.....	106,375 00

State Road No. 7, for engineering and construction, Blewett Pass	\$18,500 00
State Road No. 8, for engineering and construction, from Skamania county line eastward in Klickitat county	15,000 00
State Road No. 8, for engineering and construction, between Prindle and Cook in Skamania county...	40,500 00
For construction work on state road called "Cascade Road" established under chapter 168 of the Laws of 1895, commencing at the Skagit river, opposite Marblemount, in Skagit county, Washington, and extending up Cascade river.....	4,625 00
To gravel portions, State Road No. 11 hereafter to be known as the Skagit Highway, as at present con- structed from Marblemount in Skagit county up the Skagit river covering a distance of about eight miles, and continuing the construction of said road to the government station 10½ miles from Marble- mount	4,625 00
State Road No. 10, for engineering and construction, Chelan to Okanogan county line.....	18,500 00
State Road No. 18, for engineering and construction, Lewis county	9,250 00
<i>Provided, however, That if there is any money un- used after the completion of the engineering and construction of State Road No. 18, Lewis county, said money or any part thereof may be used by the highway commissioner on State Road No. 5 from Kosmos eastward.</i>	
State Road No. 21, for engineering and construction, from Bremerton to Union City.....	46,250 00
State Road No. 10, hereafter to be known as Lake Chelan and Okanogan Highway for engineering and construction, Okanogan county.....	20,000 00
State Road No. 22, for engineering and construction, Stevens county, from Myers Falls via Kettle Falls, south	10,000 00
State Road No. 23, hereafter to be known as Pend Oreille Highway, between Newport and Mead....	40,000 00
The Sunset Highway, for engineering and construc- tion between Creston and Waterville, said construc- tion to be continuous from Creston west.....	84,000 00
Vantage Ferry to Wilson Creek, for engineering and construction	80,000 00
The Central Washington Highway, for engineering and construction, Sprague to Cheney.....	50,000 00
The Central Washington Highway, for engineering and construction, Connell south.....	60,000 00

The Inland Empire Highway, eastern division, Whitman county, for engineering and construction, Oakesdale south	\$25,000 00
The Inland Empire Highway, eastern division, Whitman county, for engineering and construction, and improvement, Pullman to Idaho line.....	25,000 00
The Inland Empire Highway, Whitman county, for engineering, construction and improvement, Colfax north and south.....	45,000 00
The Inland Empire Highway, for engineering and construction, Clayton towards Colville.....	20,000 00
The Inland Empire Highway, for engineering and construction, Laurier south.....	30,000 00
The Inland Empire Highway, for engineering and construction, Dayton north.....	40,000 00
The Inland Empire Highway, for engineering and construction, Walla Walla west.....	40,000 00
State Road No. 4, for engineering and construction, Okanogan county, from Ferry county line west....	15,000 00
The following sum is hereby appropriated for finishing work remaining incomplete by reason of the insufficiency of appropriations hereinabove made; for construction and improvement of state roads and the securing of federal aid on primary and secondary roads on the east side.....	20,250 00
(The east side shall mean all territory east of the Columbia river up to its junction with the line dividing Okanogan and Chelan counties, thence following the west line of Okanogan county to the international boundary line.)	

Application of federal aid road act.

SEC. 2. Whereas, the preceding schedule of appropriations is based on a program budget and estimate contemplating certain apportionments and co-operative expenditures of United States funds to be secured under the "Federal Aid Road Act," approved July 11, 1916, which amounts are necessary, in addition to the state appropriations, for the completion of the several sections of state highways upon which federal aid has been estimated; and whereas, the actual apportionment of federal aid funds can only be determined after the presentation of specific project plans and their qualification under the provisions of the federal act by the approval of the United States secretary of agriculture; and whereas, one or more of the sections proposed for co-operative construction with federal aid may fail to become qualified under the federal act,

thereby rendering inadequate the state appropriation intended for the completion of such section of highway; and whereas, the effect of any such disqualification may be offset and overcome by the qualification for federal aid of some other section of state highway for which a completing state appropriation is hereinbefore made, without any federal aid being contemplated therefor in the program and budget estimate upon which the appropriation schedule is based;

It is, therefore, expressly provided that the state highway board may, and is hereby authorized, in its discretion, to transfer from any section of state highway for which an appropriation item is hereinbefore included, such portion thereof as is equivalent to the amount of federal aid which may be secured for said section in excess of the budget estimate therefor, and to apply the amount thus authorized to be transferred to any other section of the same state highway whose appropriation may be rendered inadequate by failure to secure federal aid as contemplated in said budget estimate; such transfers to be made only between sections of the same state highway, so that the aggregate of the amounts appropriated for all the sections of each state highway shall be unaffected by the transfers between sections hereby authorized. It is the full intent and purpose of this transfer proviso to authorize the state highway board to meet contingencies which may arise in the application of the "Federal Aid Road Act" and to secure for the state highways the maximum benefit of the United States appropriation to be available under said act during the ensuing biennium, and to that end the aggregate of the several items hereinbefore specified for designated sections of any state highway shall be deemed to be appropriated for said state highway as a whole, and the various items shall be subject to transfers and adjustments by the state highway board under the terms of this proviso: *Provided*, The aggregate amount of combined state and federal money available for expenditure upon each of the hereinbefore designated sec-

Transfer of appropriation by highway board authorized.

tions of state highway is not reduced below the amount separately set out in this act opposite said designated section. Every such transfer shall be made by resolution of said board which shall include a statement of the reason therefor.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government and its existing institutions, and shall take effect immediately.

Passed the House March 2, 1917.

Passed the Senate March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 76.

[S. B. 60.]

STATE AND FEDERAL CO-OPERATION IN CONSTRUCTION OF RURAL POST ROADS.

AN ACT relating to public highways, rural post roads, assenting to the provisions of an act of Congress entitled "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916; authorizing and directing the state highway commissioner, the state highway board and the state treasurer to perform certain duties in connection therewith; providing for the apportionment of certain funds therefor; and declaring an emergency.

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

State's assent to federal aid road act.

SECTION 1. The State of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of Congress entitled "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916.

State highway department to enter into agreement with United States.

SEC. 2. The state highway commissioner and the state highway board, constituting the state highway department as provided by law, are hereby authorized and directed to act for and on behalf of the State of Washing-

ton, and of any civil subdivision of the state, in all things pertaining to the selection, construction and maintenance of roads under the provisions of said act of Congress approved July 11, 1916; and to enter into such agreements with the United States secretary of agriculture as may from time to time be desirable or necessary to secure the money or aid for any section of road selected by law for improvement through an appropriation for the biennium in which said improvement is to be made. Said rural post road money to be added to and expended in connection with the appropriation aforesaid: And to apply thereto, as may be required, co-operative expenditures from the public highway fund, which may have been appropriated by the state legislature and from any road fund, including the permanent highway fund of any civil subdivision of the state set aside by the local authority of any such civil subdivision and is available for the construction and maintenance of any section of state highway selected as aforesaid for such aid and improvement.

In all matters relating to the co-operative construction of any such rural post road the state highway commissioner and the state highway board shall act in the manner provided by state law for the construction of state highways from the public highway fund, so far as the same may be consistent with such rural post road act and the rules and regulations made by the secretary of agriculture pursuant to said act, to which the procedure shall be adapted as may be necessary.

Procedure under co-operative construction.

SEC. 3. For the construction or improvement and the maintenance of rural post roads which are a part of the public highway system, the good faith of the State of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during each of the five years for which federal funds are appropriated by section three (3) of the said act, and to maintain, or cause

Pledge of state to equal federal appropriation for rural post roads.

to be maintained the roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

SEC. 4. The good faith of the State of Washington is further pledged to make available funds at least sufficient, when combined with funds made or to be made available by the several counties, to equal the sum apportioned to the state by the secretary of agriculture under the rules and regulations approved by him for carrying out the provisions of section eight (8) of said act of Congress: *Provided*, That funds made so available shall be spent only upon the highways comprising the system of state roads, and the good faith of the State of Washington is further pledged to maintain such roads and to make adequate provisions for carrying out such maintenance.

SEC. 5. In all matters relating to the co-operative construction or improvement of any road or highway for which federal aid is secured under the provisions of said act of Congress, the state highway department shall act in the manner provided by state laws relating to state highway construction from the public highway fund, so far as the same may be consistent with the provisions of said act of Congress and the rules and regulations made by the secretary of agriculture pursuant to said act, to which the procedure shall be adapted as may be necessary.

SEC. 6. The state treasurer is hereby authorized and directed to receive and have the custody of such funds or warrants drawn by the secretary of agriculture as are made available for payment by the secretary of the treasury under the provisions of such rural post road act, accounting for the same as a trust fund, and disbursing the same only under such terms and conditions as may be prescribed by the secretary of agriculture or by the secretary of the treasury.

SEC. 7. This act is necessary for the immediate preservation of the public safety and the support of the state

Mode of
co-operation
between
state and
federal
authorities.

State
treasurer
custodian
of federal
road fund.

Emergency.

government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 27, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 77.

[S. B. 278.]

EXPENDITURE OF COUNTY FUNDS ON STATE ROADS.

AN ACT relating to public highways, providing for the expending of certain funds of counties on such highways, and amending section 5878-6 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5878-6 of Rem. & Bal. Code be amended to read as follows:

Section 5878-6. Nothing in this act shall be construed to prevent the authorities of any county or road district from expending the road funds of such county or road district or funds obtained from the sale of bonds upon primary or secondary highways either for construction, maintenance or right-of-way, and they are hereby empowered so to do, the only exception being that when any section of the primary highway has been constructed by the state any expenditures made upon said portion of said primary highway shall be under the direction of the state highway commissioner: *Provided*, That the county commissioners may, when the estimated cost of such expenditure exceeds the sum of twenty-five thousand dollars (\$25,000.00), place the construction or improvement of such highway under the supervision and control of the state highway commissioner, who shall take full charge of the same, the actual expenses of said highway commissioner in the supervision of said construction to become a part of the expenses of the county in constructing said

County and district expenditures on state roads.

Expenditure under state supervision.

highway, and shall be audited and paid out of such county funds.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 78.

[S. B. 227.]

GUIDE POSTS ON PUBLIC HIGHWAYS.

AN ACT relating to public highways, providing for the construction and maintenance of uniform signboards or guide posts thereon, prohibiting the defacing, destruction or counterfeiting of same, and providing penalties for the violation of this act.

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

SECTION 1. It shall be the duty of the state highway commissioner to prepare plans and specifications for signboards or guide posts, making them uniform and of standard style, to be used on the public highways, with a plan of proper and suitable inscription thereon, furnishing suitable information as to ways and distances to travelers, using such colors and designs as the commissioner may deem advisable, and to at once furnish said plans and specifications to the board of county commissioners of each county and the governing body of each incorporated city or town within the state.

SEC. 2. It shall be the duty of the county commissioners of each county to construct and maintain on the public highways outside of incorporated cities and towns, at all crossroads or forks of roads, signboards or guide posts according to the plans, specifications and locations furnished by the state highway commissioner.

SEC. 3. It shall be the duty of the governing body of incorporated cities and towns throughout the state to construct and maintain signboards or guide posts on the state

Standard style to be prepared.

Counties to maintain.

Cities to maintain on state highways.

highways passing through their respective cities and towns, at such places suitable and necessary for the information of travelers, according to plans and specifications furnished by the state highway commissioner.

SEC. 4. It shall be unlawful for any person to remove, deface, mutilate or destroy any of the public signboards or guide posts, or inscriptions thereon, herein provided for, and it shall be unlawful for any person to fraudulently imitate or counterfeit said public signboards, either for use on private roads and highways or for the purpose of advertising and use on public highways: *Provided*, That nothing herein shall be construed to prevent persons or associations interested in good roads, in constructing, placing and maintaining as a public gift the official signboards or guide posts herein provided for.

Interference
with or
imitating
prohibited.

SEC. 5. Any person violating any of the provisions of this act or failing to comply with any of these provisions, shall be guilty of a misdemeanor.

Penalty.

Passed the Senate February 19, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 79.

[S. B. 82.]

GRANT OF STATE QUARRIES AND ROCK-CRUSHING PLANTS TO CERTAIN COUNTIES.

AN ACT relating to and providing for the conveyance of the state quarries and rock-crushing plants, and the disposal of the same.

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

SECTION 1. That the following described real and personal property belonging to the state be and the same is hereby conveyed to the counties of Lewis, Yakima, Spokane and Walla Walla, respectively, upon the conditions hereinafter set forth, and the governor is hereby author-

Donation of
state plants
to counties.

Conditions
of grant.

ized and directed to execute, and deliver to the county commissioners of said counties, instruments of conveyance thereof: *Provided*, That in each such instrument of conveyance it shall be made a condition thereof that the grantee therein shall, after supplying its own needs, furnish crushed rock for road making purposes from the quarries and rock-crushing plants so conveyed, to adjoining counties or other municipal corporations at actual cost, or to all others at such reasonable prices as the county commissioners of said counties may determine. The properties hereby authorized to be conveyed are described as follows:

To the county of Lewis the following described lands, to-wit:

Lewis
county plant.

The north half of the northeast quarter of section ten (10), township thirteen (13) north, of range four (4) west of W. M., containing eighty (80) acres more or less, saving and excepting, however, the railroad right-of-way crossing the said tract above described. The said railroad right-of-way being the Y. & P. C. R. R. Co. Also the south half of the northeast quarter of section ten (10), township thirteen (13), north of range four (4) west of the W. M., less the right-of-way of the Yakima and South Bend railroad, together with all timber, buildings and improvements thereon. And together with the rock-crushing plant and all machinery, tools and appliances used in connection therewith situated upon the above described property; and also that certain contract between the state and the Washington-Oregon Corporation for furnishing power to said rock-crushing plant and all sums of money due or hereafter to become due thereon by way of refund of thirty (30) per cent of the monthly power bills, together with the right to sell and convey said above described property, or any part thereof, and to pay the proceeds of such sale or sales into the general road and bridge fund of the county.

To the county of Yakima the following described lands, to-wit:

All that part of the northwest quarter of the northwest quarter of section twelve (12), township thirteen (13) north, range eighteen (18) east of W. M., containing eighteen and sixty-five one-hundredths (18.65) acres more or less, lying west of the right-of-way of the Northern Pacific Railway Company, save and except the rights-of-way of any county road now existing over said land, or any part thereof; and together with the rock-crushing plant and all machinery, tools and appliances used in connection therewith situated upon the above described property; and also that certain contract between the state and the Pacific Power & Light Company for furnishing light and power to said rock-crushing plant and all sums of money due or hereafter to become due thereon by way of repayment of twenty-five (25) per cent of the monthly power and light bills: *Provided, however,* That if the board of county commissioners of Yakima county shall not, within sixty (60) days from the time of taking effect of this act, by resolution entered upon the minutes of the board, contract and agree with the state that said county will accept said conveyance and preserve said rock-crushing plant and all machinery, tools and appliances used in connection therewith and operate said quarry for the benefit of said county of Yakima and adjoining counties, then and in that event, the state highway board is authorized to dismantle said rock-crushing plant and to sell or dispose of all buildings, machinery, tools and appliances used in connection therewith and the land upon which the same is situated, at public or private sale, except such thereof as may, in the judgment of the state highway board, be used to advantage by the state in the construction, maintenance and repair of state highways.

Yakima
county plant.

To the county of Spokane the following described lands, to-wit:

Beginning at a point on the west line of the Northern Pacific Railway Company's right-of-way, 284 feet west of the south quarter corner of section twenty-seven (27), township twenty-four (24) north, of range forty-two (42)

Spokane
county plant.

east W. M., and running thence along west line of said Northern Pacific railroad north twenty-nine (29) degrees and forty-five (45) minutes east 311 feet to a point; thence north three (3) degrees and forty-five (45) minutes west 1085 feet to a point; thence north twenty-one (21) degrees and thirty (30) minutes west 570 feet to a point; thence north twenty-seven (27) degrees and forty-five (45) minutes west 870 feet to a point on the east and west center line and 804.3 feet west of the center of said section twenty-seven (27); thence south eighty-nine (89) degrees and forty-five minutes west 515.7 feet to a point; thence south 1320 feet to a point; thence east 660 feet to a point; thence south 1320 feet more or less, to a point on the south line of said section twenty-seven (27); thence east along said south line a distance of 376 feet to the place of beginning, save and excepting therefrom the following described premises and property, to-wit: A roadway or natural path thirty (30) feet wide extending across the extreme south end of the above described property which said road or path thirty (30) feet wide had been and is now used as a cow path across said south end of said property, which said premises so excepted and reserved from this deed and conveyance is intended for and shall be used by the owners of the property lying on the west side of the property herein first described as and for a means of access to and from the property. The property herein and hereby conveyed being forty-one (41) acres less said roadway reserved as aforesaid; and together with the rock-crushing plant and all machinery, tools and appliances used in connection therewith situated upon the above described property; and also that certain contract between the state and Washington Water Power Company for furnishing power and light to said rock-crushing plant and all sums of money due or hereafter to become due thereon by way of rebate of twenty-five (25) per cent of the monthly power and light bills: *Provided, however,* That if the board of county commissioners of Spokane county shall not, within sixty (60) days from the time of

taking effect of this act, by resolution entered upon the minutes of the board, contract and agree with the state that said county will accept said conveyance and preserve said rock-crushing plant and all machinery, tools and appliances used in connection therewith and operate said quarry for the benefit of said county of Spokane and adjoining counties, then and in that event, the state highway board is authorized to dismantle said rock-crushing plant and to sell or dispose of all buildings, machinery, tools and appliances used in connection therewith and the land upon which the same is situated, at public or private sale, except such thereof as may, in the judgment of the board of state highway commissioners, be used to advantage by the state in the construction, maintenance and repair of state highways.

To the county of Walla Walla the following described lands, to-wit:

Beginning at a point 230 feet north of the quarter corner between sections twenty-six (26) and thirty-five (35), township eight (8) north of range thirty-seven (37) east of W. M., and running thence north on the center line of section twenty-six (26), sixteen and eighty-eight hundredths (16.88) chains to the center of the county road; thence south fifty-one (51) degrees and fifty-five (55) minutes east five and forty-two hundredths (5.42) chains along the county road; thence south fifty-eight (58) degrees twenty (20) minutes east, thirteen and seven one-hundredths (13.07) chains along the county road; thence south thirty-three (33) degrees ten (10) minutes east six and fifty-one hundredths (6.51) chains along the county road; thence south eighty-two (82) degrees and forty-five (45) minutes west five hundred eighty-eight (588) chains; thence south sixty (60) degrees and fifteen (15) minutes west four and eighty-eight hundredths (4.88) chains; thence north seventy-eight (78) degrees fifty (50) minutes west eight and fifty-eight hundredths (8.58) chains, less the right-of-way of the Washington and Columbia River Railroad Company over and across said land

Walla Walla
county plant.

containing, exclusive of said right-of-way, seventeen and fourteen hundredths (17.14) acres more or less; and together with the rock-crushing plant and all machinery, tools and appliances used in connection therewith situated upon the above described property; and also that certain contract between the state and the Pacific Power and Light Company for furnishing power to said rock-crushing plant and all sums of money due or to hereafter become due thereon by way of reimbursement of twenty-five (25) per cent of the monthly power bills, together with the right to sell and convey said above described property, or any part thereof, and to pay the proceeds of such sale or sales into the general road and bridge fund of the county.

SEC. 2. That the state highway board be and is hereby authorized to dismantle the rock-crushing plant belonging to the state and situated on Deception Pass on the south side of Fidalgo Island in Skagit county and to sell or dispose of all buildings, machinery, tools and appliances therein contained or used in connection therewith at public or private sale, except such thereof as may, in the judgment of the board of state highway commissioners, be used to advantage by the state in the construction, maintenance and repair of state highways.

In the event that any of the counties heretofore mentioned fail to accept the gift herein provided for, under the terms hereof, then and in that event the state highway board may sell and dispose of any such buildings, machinery, tools, appliances or land that is not accepted as aforesaid, in the manner in this section provided.

Passed the Senate February 5, 1917.

Passed the House February 28, 1917.

Approved by the Governor March 10, 1917.

Dismantling
and sale of
Fidalgo
Island plant.

Sale
authorized,
if gift not
accepted.

CHAPTER 80.

[S. H. B. 154.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banking and trust business; the organization, regulation, management and dissolution of banks and trust companies, providing penalties and repealing certain acts and declaring an emergency.

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

SECTION 1. The governor shall, with the consent of the senate, appoint a state bank examiner, whose term of office shall be four years and until his successor is appointed and qualified unless he be sooner removed. No person shall be appointed who is not and for two years prior to appointment has not been a citizen of this state and who has not had at least four years experience in banking, nor shall any person be eligible to, or hold such office while interested in any bank or trust company as director, officer or stockholder.

State bank
examiner.

SEC. 2. The state bank examiner may appoint one or more deputies, removable by him at will, who shall have the same qualifications and, subject to the supervision of said examiner, possess the same powers. He may also employ other necessary assistance.

Deputy
examiner.

SEC. 3. The state bank examiner shall receive a salary of \$3,600.00 a year. Each deputy bank examiner may receive a salary of \$3,000.00 a year.

Salaries.

Before entering upon his office, the state bank examiner and each deputy shall take and subscribe an oath faithfully to discharge the duties of his office and shall each execute to the state a bond to be approved by the governor in the sum of \$25,000.00, with a surety company authorized to do business in this state, as surety, conditioned for the faithful performance of his duties. The premiums on such bonds shall be paid by the state. Such oaths and bonds shall be filed with the secretary of state. Neither the state bank examiner nor any deputy shall be

Oath and
bond.

personally liable for any act done by him in good faith in the performance of his duties.

Offices.

SEC. 4. The state bank examiner shall maintain an office at the state capitol, but may with the consent of the governor also maintain an office at some other convenient banking center in this state. He shall keep books of record of all moneys received or disbursed by him. He shall adopt an official seal.

Seal.

Reports by
banks and
trust
companies.

SEC. 5. Every bank and trust company shall make at least three regular reports each year to the state bank examiner, as of the dates which he shall designate, according to forms prescribed by him, verified by the president, manager or cashier and attested by at least two directors, which shall exhibit under appropriate heads the resources and liabilities of such corporation. Each such report in condensed form, to be prescribed by the examiner, shall be published once in a newspaper of general circulation, published in the place where the corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county.

Publication.

Every such corporation shall also make such special reports as said examiner shall call for.

Time of
filing re-
ports and
proofs of
publication.

SEC. 6. Every regular report shall be filed with the state bank examiner within twelve days from the date of issuance of the notice therefor and proof of publication of such report shall be filed with said examiner within twenty days from such date. Every special report shall be filed with said examiner within such time as shall be specified by him in the notice therefor.

Penalty.

Every bank and trust company which fails to file any report, required to be filed as aforesaid, or to file proof of publication of any report required to be published, within the time herein specified, shall be subject to a penalty of \$10.00 per day for each day's delay. A civil action for the recovery of any such penalty may be brought by the attorney general in the name of the state.

Examination
of banks
and trust
companies.

SEC. 7. It shall be the duty of the state bank examiner or his deputy without previous notice to visit each bank

and each trust company at least once in each year and oftener if necessary, for the purpose of making a full investigation into the condition of such corporation, and for that purpose he is hereby empowered to administer oaths and to examine under oath any director, officer, employee or agent of such corporation. Said examiner may make such other full or partial examinations as he deems necessary. Any wilful false swearing in any examination shall be perjury.

Perjury.

SEC. 8. The state bank examiner shall collect from each bank or trust company for each complete examination of its condition twenty-five dollars (\$25.00) and in addition thereto one one hundred and fiftieth (1-150%) per cent on all deposits, at the time of examination. For each examination other than a complete examination, the examiner shall charge the cost thereof but not less than \$10.00: *Provided*, That as to a trust company not doing a banking business the charge for an examination shall be the cost thereof but not less than \$25.00.

Examination fees.

SEC. 9. Neither the state bank examiner nor any person connected with his office shall disclose any information obtained from any bank or trust company to any person not connected with such office, except to federal, state or clearing house bank examiners, or to proper officials legally empowered to investigate criminal charges, or except as is otherwise required by law. Every person who shall violate any provision of this section shall forfeit his office or employment and shall also be guilty of a gross misdemeanor.

Disclosure of information prohibited.

Penalty.

SEC. 10. Whenever the state bank examiner shall find that any officer or employee of any bank or trust company is dishonest, reckless or incompetent, or fails to perform any duty of his office, he shall notify the board of directors of such corporation, in writing, of his objections to such officer or employee, and such board shall within twenty days after receiving such notification, meet and consider such objections, first giving notice to the state bank examiner of the time and place of such meeting. If the board shall

Dishonest or incompetent bank employees.

find the objections to be well founded, such officer or employee shall be immediately removed.

Borrowing money by examiner or employees.

SEC. 11. It shall be unlawful for the state bank examiner or any deputy or employee of his office to borrow money from any bank or trust company, under his jurisdiction. Every person who shall violate any provision of this section shall forfeit his office or employment and also be guilty of a gross misdemeanor.

Schedule of fees.

SEC. 12. The state bank examiner shall collect in advance the following fees:

For filing articles of incorporation, or amendments thereof, or certified copies of articles of incorporation or other certificates required to be filed in his office.....	\$10 00
For issuing a certificate of authority or of increase or decrease	10 00
For issuing each renewal certificate of authority..	10 00
For furnishing copies of papers filed in his office, per folio20

Every bank and trust company shall also pay to the secretary of state for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

Filing bank reports.

SEC. 13. The state bank examiner shall file in his office all reports required to be made to him, prepare and furnish to banks and trust companies blank forms for such reports as are required of them and on or before the first day of February of each year make a report for the preceding year to the governor showing:

Examiner's annual report.

1. A summary of the conditions of the banks and trust companies at the date of their last report.
2. A list of those organized or closed during the year.
3. The amount of money collected and expended by him.

Publication of reports.

He shall publish annually at the expense of his department, in pamphlet form, at least five hundred copies of

such report and shall furnish a copy of the same free to each bank and trust company, and, in his discretion, to other interested persons. He shall publish such other statements, reports and pamphlets as he shall deem advisable.

SEC. 14. The term "banking" shall include the soliciting, receiving or accepting of money or its equivalent on deposit as a regular business.

Definitions.

The term "bank," where used in this act, unless a different meaning appears from the context, means any corporation organized under the laws of this state engaged in banking, other than a trust company, or a mutual savings bank.

The term "branch bank," where used in this act, means any office of deposit or discount maintained by any bank or trust company, domestic or otherwise, other than its principal place of business, regardless of whether it be in the same city or locality.

The term "trust business" shall include the business of doing any or all of the things specified in subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of section 24 of this act.

The term "trust company," where used in this act, unless a different meaning appears from the context, means any corporation, organized under the laws of this state, engaged in trust business.

The term "savings bank," shall include any bank which as a regular part or the whole of its banking business solicits or receives deposits for which a pass book, or its equivalent, is issued containing rules and regulations regarding the withdrawal of such deposits.

The term "commercial bank" shall include any bank other than a savings bank.

The term "person," where used in this act, unless a different meaning appears from the context, includes a person, firm, association, partnership and corporation, and the plural thereof, whether resident, non-resident, citizen or not.

The term "foreign bank" and "foreign banker" shall include:

1. Every corporation not organized under the laws of the territory or State of Washington, doing a banking business, except a national bank.

2. Every unincorporated company, partnership, or association of two or more individuals organized under the laws of another state or country, doing a banking business.

3. Every other unincorporated company, partnership or association of two or more individuals, doing a banking business, if the members thereof owning a majority interest therein, or entitled to more than one-half of the net assets thereof, are not residents of this state.

4. Every non-resident of this state doing a banking business in his own name and right only.

SEC. 15. No person shall engage in banking except in compliance with and subject to the provisions of this act, except it be a national bank or except in so far as it may be authorized so to do by the laws of this state relating to mutual savings banks, nor shall any corporation engage in a trust business except in compliance with and subject to the provisions of this act, nor shall any bank engage in a trust business, except as herein authorized, nor shall any bank or trust company establish any branch: *Provided, however,* That any bank or trust company may participate in membership in the federal reserve banking system of the United States and may to that end comply with any requirements or laws of the United States or any rules or regulations duly promulgated pursuant thereto, anything elsewhere in this act to the contrary notwithstanding.

SEC. 16. A national bank located within this state and having a paid-up capital of fifty thousand (\$50,000.00) dollars or more, when authorized or permitted so to do, by or under any act of the congress of the United States, may exercise any of the powers conferred upon trust companies by this act.

Act
inapplicable
to national
and mutual
savings
banks.

Federal
reserve
membership.

National
banks doing
trust
business.

SEC. 17. Before any such national bank shall engage in such trust business, it shall file a certificate with the state bank examiner, wherein it agrees to conform to all the regulations and restrictions of this act relating to trust companies and trust business, including the examination of its trust business by said examiner and the payment of the fees therefor, herein prescribed for the examination of banks and trust companies. Upon the filing of such a certificate in a form to be approved by said examiner, such national bank shall be subject to all the regulations and restrictions of this act relative to trust companies and trust business.

Subject to
state
restrictions.

SEC. 18. The name of every bank shall contain the word "bank," and the name of every trust company shall contain the word "trust." No person except:

Use of
names
"bank" and
"trust"
restricted.

1. A national bank;
2. A bank or trust company authorized by the laws of this state;
3. A foreign corporation authorized by this act so to do, shall,

1. Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to-wit: "bank," "banking," "banker," "trust."

2. Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, billhead, note, receipt, certificate, blank, form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor.

Penalty.

SEC. 19. Five or more natural persons, citizens of the United States, may incorporate a bank or trust company

Incorporators.

in the manner herein prescribed. No bank shall incorporate for a less amount, nor commence business unless it have a paid-in capital, as follows :

Paid-in capital for banks.

In cities, villages or communities having a population of less than 1,000.....	\$15,000 00
In cities having a population of 1,000 and less than 5,000.....	25,000 00
In cities having a population of 5,000 and less than 25,000.....	50,000 00
In cities having a population of 25,000 and less than 100,000.....	100,000 00
In cities having a population of 100,000 or more	150,000 00

Banks located beyond central business district.

Provided That on request of any persons desiring to incorporate a bank in a city having a population of 25,000 or over the bank examiner shall make an order defining the boundaries of the central business district of such city, which shall include the contiguous district in which is carried on the principal retail, financial and office business of such city and extending at least one-half mile in all directions from the business center of such city, and banks may be incorporated with a paid-up capital of not less than \$50,000.00 to be located in such city outside of the central business district of such city as defined by the order of the bank examiner, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. Any such bank incorporated to be located outside the central business district of such a city shall not receive deposits to exceed in the aggregate ten times the amount of its paid-up and unimpaired capital stock and surplus.

No trust company shall incorporate for a less amount, nor commence business unless it has a paid-in capital as follows:

Paid-in capital for trust companies.

- In cities, villages or communities having a population of less than 25,000..... \$50,000 00
- In cities having a population of 25,000 and less than 100,000..... 100,000 00
- In cities having a population of 100,000 or more 200,000 00

In addition to the foregoing, each bank and trust company shall before commencing business have subscribed and paid in to it in the same manner as is required for capital stock, an additional amount equal to at least ten per cent of the capital stock above required. Such additional amount shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.

Additional subscription for operating expenses.

SEC. 20. Persons desiring to incorporate a bank or trust company shall execute articles of incorporation in quadruplicate, one copy of which shall be filed for record with the county auditor of the county in which such bank or trust company is to be located, one filed with the state bank examiner, one with the secretary of state and one retained by the corporation.

Articles executed in quadruplicate.

SEC. 21. Articles of incorporation shall state:

Contents of articles.

1. The name of such bank or trust company.
2. The city, village or locality and county where such corporation is to be located.
3. The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.
4. The amount of its capital stock, which shall be divided into shares of \$100.00 each.
5. The period for which such corporation is organized, which shall not exceed fifty years.

Such articles shall be acknowledged before an officer authorized to take acknowledgments.

Certificates
of authority.

SEC. 22. When articles of incorporation, complying with the foregoing requirements, have been filed with the state bank examiner and the incorporators shall have notified him that all provisions of law authorizing such bank or trust company to commence business have been complied with, he shall investigate the proposed corporation. If he shall determine that any provision of law in the premises has not been complied with or that any of the incorporators are lacking in responsibility or general fitness, he shall refuse to grant a certificate of authority and shall forthwith so notify the incorporators; otherwise, he shall grant such certificate.

Appeals in
case of
refusal
to grant.

The refusal of the examiner to grant a certificate of authority shall be conclusive, unless the incorporators within ten days of the issuance of such notice of refusal shall appeal to the superior court of the county in which such corporation is proposed to be located, which said appeal shall be triable *de novo* in said court.

No bank or trust company shall transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority.

Corporate
powers of
banks.

SEC. 23. Upon the issuance of a certificate of authority to a bank, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

1. To adopt and use a corporate seal.
2. To have succession for the term of years mentioned in its articles of incorporation.
3. To make contracts.
4. To sue and be sued, the same as a natural person.
5. To elect directors, who subject to the provisions of the corporation's by-laws, shall have power to appoint such officers as may be necessary or convenient, to define their powers and duties and to dismiss them at pleasure, and who shall also have general supervision and control of the affairs of such corporation.

6. To prescribe by its stockholders by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its stockholders convened for general or special meetings, its property transferred, its general business conducted and the privilege granted to it by law exercised and enjoyed.

7. To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to receive deposits of money and commercial paper, to lend money on real or personal security, to buy and sell bullion, coins and bills of exchange.

8. To take and receive as bailee for hire upon terms and conditions to be prescribed by the corporation, for safe keeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities and valuable paper of any kind and other valuable personal property and to rent vaults, safes, boxes and other receptacles for safe keeping and storage of personal property.

SEC. 24. Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power :

Corporate
powers of
trust
companies.

1. To execute all the powers and possess all the privileges conferred on banks.

2. To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

3. To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise.

4. To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual firm, association

or partnership, and to accept and execute any municipal or corporate trust.

5. To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it.

6. To collect coupons on or interest upon all manner of securities, when authorized so to do by the parties depositing the same.

7. To accept trusts from and execute trusts for married women in respect to their separate property and to be their agent in the management of such property and to transact any business in relation thereto.

8. To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court.

9. To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person, and to be appointed and to act as guardian of the estates of lunatics, idiots, persons of unsound mind, minors and habitual drunkards: *Provided, however,* The power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state: *And, be it further provided,* That no trust company or other corporation, organized under this chapter which advertises that it will furnish legal advice, construct and prepare wills or do other legal work for its customers shall be permitted to act in the capacity as executor, trustee, assignee, or otherwise serve in any fiduciary capacity; and such trust company or other corporation whose officers or agents shall solicit legal business, or shall personally solicit the ap-

Appointment
as executor,
adminis-
trator or
guardian.

Restriction
on adver-
tising and
solicitation
of business.

pointment to any such fiduciary capacity for and on behalf of such trust company or corporation shall be disqualified from acting as trustee, assignee or from serving in any fiduciary capacity and shall be ineligible for appointment as such in any of the courts of this state.

Any officer or employee of any trust company, bank or corporation herein mentioned, who shall violate any of the provisions of this section shall be guilty of a gross misdemeanor. Penalty.

10. To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted or committed to it by grant, assignment, transfer, devise, bequest or by any authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate, real or personal, which may be the subject of any such trust or power.

11. Generally to execute trusts of every description not inconsistent with law.

12. To purchase, invest in and sell stocks, promissory notes, bills of exchange, bonds, debentures and mortgages and other securities and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized shall issue such bonds: *Provided*, That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: *And, provided*, That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: *And provided, further*, That if, for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or be- Bond issues.

fore the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond.

Reports of
bond
liabilities.

SEC. 25. Any trust company receiving moneys for investment, and for which it shall give its bonds as in subdivision 12 of section 24 provided, shall within ten days after any regular report is called for from banks or trust companies by the state bank examiner, make a statement of its total liability, on all bonds issued and then in force, certified by its board of directors, and shall at the same time deposit with the state treasurer, for the benefit of the holders of such bonds or obligations, sufficient securities or money so that it will have on deposit with said state treasurer a sufficient amount of said securities, which may be exchanged for other securities as necessity may require, or money to, at any time, pay all of said liability. In the event of its failure to make such deposits, it shall cease doing such business: *Provided*, That whenever money shall have been deposited with the treasurer, it may be withdrawn at any time upon a like amount of securities being deposited in its stead: *And provided further*, That the securities deposited shall consist of such securities as are by this act permitted for the investment of trust funds.

Deposit of
cash or
securities to
to pay bond
liabilities.

Increase of
capital
stock.

SEC. 26. Any bank or trust company may increase its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this act, by a vote of the stockholders representing two-thirds of its capital, at any regular meeting, or special meeting duly called for that purpose, in the manner prescribed by its by-laws: *Provided*, That notice of a meeting called to increase capital stock shall first be published once a week for four weekly issues in a newspaper published in the county in which such corporation is located. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. No increase of capital stock shall be valid, until

the amount thereof shall have been subscribed and actually paid in and a certificate of increase received from the state bank examiner. No reduction of the capital stock shall be made to an amount less than is required for capital, nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liabilities of the stockholders until such reduction has been approved by said examiner, nor shall any reduction relieve any stockholder from any liability of the corporation incurred prior thereto. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from said examiner, nor unless such bank shall amend its name so that it shall include the word "trust" as a part thereof.

Reduction
of capital
stock.

Bank becom-
ing trust
company.

SEC. 27. At any time not less than one year nor more than two years prior to the expiration of the time of the existence of any bank or trust company, it may by written application to the state bank examiner, signed and verified by a majority of its directors and approved in writing by the owners of not less than two-thirds of its capital stock, apply to the state bank examiner for leave to file amended articles of incorporation, extending its time of existence. The examiner shall forthwith make a complete examination of such applicant. If he determines that the applicant is in sound condition, that it is conducting its business in a safe manner and in compliance with law and that no reason exists why it should not be permitted to continue, he shall issue to the applicant a certificate authorizing it to file amended articles of incorporation extending the time of its existence for a term not longer than fifty years from the end of its original term. Otherwise he shall notify the applicant that he refuses to grant such certificate. The applicant may appeal from such refusal in the same manner as in the case of a refusal to grant an original certificate of authority. Otherwise the determination of the examiner shall be conclusive.

Application
to extend
time of
existence.

Certificate
of authority.

Filing
amended
articles.

Upon receiving a certificate, as hereinabove provided, the applicant may file amended articles of incorporation, extending the time of its existence for the term authorized, to which shall be attached a copy of the certificate of the examiner. Such articles shall be filed in the same manner and upon payment of the same fees as for original articles of incorporation.

Close of
corporate
existence.

Should any bank or trust company fail to continue its existence in the manner herein provided and be not previously dissolved, the state bank examiner shall at the end of its original term of existence immediately take possession thereof and wind up the same in the same manner as in the case of insolvency.

Reorganiza-
tion as na-
tional bank.

SEC. 28. A state bank or trust company may upon first securing a certificate of authorization therefor from the state bank examiner reorganize under the laws of the United States as a national bank. As soon as it shall have obtained a certificate authorizing it to commence business under the United States banking laws, it shall retain and hold all the assets, real and personal, which it acquired during its existence under this act, and shall hold the same subject to all existing liabilities against such bank or trust company at the time of its reorganization.

Organiza-
tion of
dissolved
national
bank under
state law.

SEC. 29. Whenever any bank existing under the laws of the United States and located within this state is authorized to dissolve and shall have taken the necessary steps to effect dissolution, a majority of its directors, upon the authority in writing of the owners of three-fourths of its capital stock, and the approval of the state bank examiner, may execute and file articles of incorporation, as provided in this act, together with a certificate setting forth the authority derived from the stockholders as aforesaid. Upon the receipt of a certificate of authority from said examiner, such corporation shall become a bank or trust company under the laws of this state, and thereupon all assets of such dissolved national bank shall be vested in and become the property of such state bank or trust company, subject to all liabilities of such national

bank not liquidated under the laws of the United States before such reorganization.

SEC. 30. Every bank and trust company shall be managed by not less than five directors, excepting that a bank having a capital of \$50,000.00 or less may have only three directors. Directors shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. In the first instance the directors shall be elected at a meeting held before the bank or trust company is authorized to do business by the state bank examiner and afterwards at the annual meeting of the stockholders to be held on the second Tuesday in January in each year. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's by-laws. The directors shall meet at least once each month and whenever required by the state bank examiner. A majority of the board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote. Any stockholder may vote in person or by written proxy. Every director must be the beneficial owner of at least ten shares of stock, excepting that a director of a bank having a capital stock of \$50,000.00 or less, need be the owner of only five shares of stock.

Directors,
number,
election, and
meetings.

Stock-
holders'
meetings.

Immediately upon election, each director shall take, subscribe, swear to and file with the examiner an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation and that he is the beneficial owner in good faith of the number of shares of stock required by this section, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt. Vacancies in the board of directors shall be filled by the board.

Oath of
directors.

Vacancies
in board.

Meeting of directors and stockholders.

Stock records.

Corporate books.

SEC. 31. All meetings of the directors or stockholders of any bank or trust company, except organization meetings, must be held in the town or city in which the corporation is located. Every such corporation shall keep a book in which shall be recorded the names and residences of the stockholders thereof, the number of shares held by each, when each person became a stockholder and also the transfers of stock, showing the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said book shall be *prima facie* proof of the facts shown therein. All of the corporate books, including the certificate book, stockholders' ledger and minute book shall be kept at the corporation's principal place of business and not elsewhere.

Surety bonds of officers and employees.

SEC. 32. The board of directors of each bank and trust company shall require its active officers and employees and such other officers as they shall designate, each to give a surety company bond, in such sum as the board shall specify and the state bank examiner shall approve, conditioned for the faithful and honest discharge of his duties and for the faithful application of all moneys, funds and valuables which shall come into his possession, or under his control.

Dividends.

Surplus.

SEC. 33. The directors of any bank or trust company may declare a dividend of so much of the net profits, after providing for all expenses, interest and taxes accrued, or due, as they shall judge expedient, but before any such dividend is declared not less than one-tenth of the net profits for the preceding half year or for such period as is covered by the dividend, shall be carried to a surplus, until such surplus shall amount to twenty per cent of its capital stock. Accrued and uncollected interest shall not be distributed as a part of the profits, nor carried on the books as such.

Levy of assessments and collection of installments.

SEC. 34. Whenever the state bank examiner shall notify the board of directors of a bank or trust company to require the payment of an installment or to levy an

assessment upon the stock of such corporation, such board shall within ten days from the issuance of such notice adopt a resolution for the collection of such installment or the levy of such assessment and shall immediately upon the adoption of such resolutions serve notice upon each stockholder personally or by mail at his last known address to pay such installment or assessment and that if the same be not paid within twenty days from the date of the issuance of such notice, his stock shall be subject to sale, and all amounts previously paid thereon will be subject to forfeiture. At any time after the expiration of said twenty-day period, the board may proceed by action at law or otherwise to collect the installment or assessment from any delinquent stockholder, or it may, whether any action has been commenced or not, at any time before the installment or assessment is actually paid, sell the stock of such stockholder and forfeit all amounts previously paid thereon. At any time after the expiration of sixty days from the expiration of said twenty day period, the examiner may require any stock upon which the installment or assessment remains unpaid to be cancelled and deducted from the capital of the corporation. If such cancellation shall reduce the capital of the corporation below the minimum required by this act, or its articles of incorporation, the capital shall, within thirty days thereafter, be increased to the required amount by original subscription, in default of which the examiner may take possession of such corporation in the manner provided by law in case of insolvency.

Repairing
reduction of
capital
stock.

If any stock be sold prior to cancellation, there shall be returned to the original stockholder, his heirs or assigns, any surplus which remains after deducting from the amount realized at such sale, the amount of the installment or assessment due upon such stock, together with all costs incurred in connection with the sale of such stock, and interest upon the installment or assessment from the date of the notice to the stockholder. In the

Action of
examiner on
failure of
board to act.

event of the failure of any board of directors to adopt the resolution herein required within the time specified, or to collect any installment or assessment, or to forfeit the stock of any delinquent stockholder, as herein provided, the examiner may, himself, in his discretion, at any time, issue the notice herein provided for on behalf of such corporation, and bring any appropriate action in his own name, but for the benefit of such corporation, for the collection of any installment or assessment, declare the forfeiture of any stock, or perform any other act herein referred to with the same force and effect as if such act were performed by the board of directors, and in the event that the examiner shall have brought any proceeding for the collection of any installment or assessment, the board of directors shall thereafter have no power to cancel the stock involved or continue such proceeding, except as permitted by said examiner.

Individual
liability of
stock-
holders.

SEC. 35. The stockholders of every bank and trust company shall be individually and personally liable, equably and ratably, and not one for another, for all contracts, debts and engagements of such corporation accruing while they remain as stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. Persons holding stock as executors, administrators, guardians or trustees, if such relation of trust shall appear in the stock certificate and on the books of the corporation, or as collateral security or in pledge, shall not be personally liable as stockholders, but the assets and funds in the hands of such trustees constituting the trust shall be liable to the same extent as the testator, intestate, ward, or person interested in such funds would be, if living or competent to act, and the person pledging such stock shall be deemed a stockholder and liable under this section. Such liability may be enforced by the examiner as soon after taking possession of any bank or trust company as in his judgment the same may be necessary. The failure of the stockholders of any bank or trust company imme-

Enforcement
of liability.

diately upon possession being taken by the examiner to make good all impairment of its assets shall be conclusive evidence that the enforcement of double liability is necessary.

SEC. 36. The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall make any loan or discount on the security of its own capital stock, or be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of, within ninety days from the time of its purchase or acquisition. Nor shall any such corporation subscribe for or purchase the stock of any other banking house or trust company, except a federal reserve bank, of which such corporation shall become a member, and then only to the extent required by such federal reserve bank.

Discount or purchase by bank of its own capital stock.

Purchase of other bank stock.

SEC. 37. A bank or trust company may purchase, hold and convey real estate for the following purposes and no other:

Real estate holdings of banks.

1. Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: *Provided*, That as to any corporation hereafter organized not to exceed thirty per cent of its capital and surplus and undivided profits may be so invested: *And provided further*, Any bank or trust company heretofore organized shall not hereafter invest in the aggregate to exceed thirty per cent of its capital, surplus and undivided profits in a bank building without the approval of the state bank examiner.

2. Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

3. Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

4. Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

No real estate specified in subdivision four shall be considered an asset of the corporation holding the same in trust nor shall any real estate except that specified in subdivision one be carried as an asset on the corporation's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the state bank examiner.

Savings
deposits,
how repaid.

SEC. 38. Any bank or trust company which shall do business as a savings bank shall repay all deposits to the depositor or his lawful representative when required, at such time or times and with such interest as the regulations of the corporation shall prescribe. A pass book shall be issued to each savings depositor, containing the rules and regulations prescribed by the corporation governing such deposits, in which shall be entered each deposit by and each payment to such depositor. No payment to such depositor, and no payment or checks against any savings account shall be made, unless accompanied by and entered in the pass book issued therefor, except for good cause and assurance satisfactory to the corporation.

Separate
accounts for
savings and
commercial
business.

SEC. 39. Any bank or trust company combining the business of a commercial bank and a savings bank shall keep with the respective depositors separate books of account for each kind of business.

Foreign
corporations
engaging in
loan and
exchange
business.

SEC. 40. A foreign corporation, whose name contains the words "bank," "banker," "banking," or "trust," or whose articles of incorporation empower it to do a banking or trust business and which desires to engage in the business of loaning money on mortgage securities or in buying and selling exchange, coin, bullion or securities in this state may do so, but only upon filing with the state bank examiner and with the secretary of state a certified copy of a resolution of its governing board to the effect that it will not engage in banking or trust business in this state, which copy shall be duly attested

by its president and secretary. Such corporation shall also comply with the general corporation laws of this state relating to foreign corporations doing business herein.

SEC. 41. A branch of any foreign bank or banker actually and publicly engaged in banking in this state in full compliance with the laws hereof, which were in force immediately prior to the time when this law becomes operative and which branch has a capital not less in amount than that required for the organization of a state bank as provided in this act at the time and place when and where such branch was established, may continue its said business, subject to all of the regulations and supervision provided for banks. The amount upon which it pays taxes shall be *prima facie* evidence of the amount and existence of such capital. No such bank or banker shall set forth on its or his stationery or in any manner advertise in this state a greater capital, surplus and undivided profits than are actually maintained at such branch. Every foreign corporation, bank and banker, and every officer, agent and employee thereof who violates any provision of this section or which violates the terms of the resolution filed as required by the preceding section, shall for each violation forfeit and pay to the State of Washington the sum of one thousand dollars. A civil action for the recovery of any such sum may be brought by the attorney general in the name of the state.

Foreign
bank
branches,
regulations
for.

Forfeiture
for
violations.

SEC. 42. When a deposit has been or shall hereafter be made, in any bank or trust company in the name of two or more persons, payable to any of such persons, such deposit or any part thereof, or any interest, or dividend thereon, may be paid to any of said persons, whether the other be living or not, and the receipt or acquittance of the person so paid shall be valid and sufficient release and discharge of such corporation for any payment so made.

Payments
on joint
deposits.

SEC. 43. When any deposit has been or shall hereafter be made in any bank or trust company in his or her own name, by any minor, married woman or person under

Payment of
deposits of
persons
under
disability.

disability, such corporation may disregard such disability and pay such money on a check or order of such person, the same as in other cases.

Certification
of checks.

SEC. 44. No director, officer, agent or employee of any bank or trust company shall certify a check unless the amount thereof actually stands to the credit of the drawer on the books of such corporation and when certified must be charged to the account of the drawer. Every violation of this provision shall be a gross misdemeanor. Any such check so certified by a duly authorized person shall be a good and valid obligation of the bank or trust company in the hands of an innocent holder.

Liability for
payment of
forged
checks.

SEC. 45. No bank or trust company shall be liable to a depositor for the payment by said corporation of a forged or raised check, unless within sixty days after the return to the depositor of the voucher of such payment, such depositor shall notify said corporation that the check so paid was raised or forged.

Available
funds of
banks and
trust
companies.

SEC. 46. Every bank and trust company shall have on hand at all times in available funds, not less than fifteen per cent (15%) of its total deposits and 100% of its uninvested trust funds; such sums may consist of balances due it from such banks or trust companies as the state bank examiner may approve, and actual cash or checks on solvent banks located in the same city. This section shall not apply to a corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

Bad debts to
be charged
off books.

SEC. 47. Any debt due a bank or trust company on which interest is one year or more past due and unpaid, unless such debt be well secured and in process of collection, shall be considered a bad debt, and shall be charged off of the books of such corporation.

Classes of
securities
for trust
fund
investment.

SEC. 48. Funds held in trust by a corporation doing a trust business may be invested in the following classes of securities only:

(a) Bonds or notes constituting the direct and general obligation of the United States, or of any state thereof, or bonds, payment of which, both principal and interest, is guaranteed by the United States or any state thereof. Federal and state bonds.

(b) Direct and general obligation bonds or notes issued by any municipality or political subdivision of the State of Washington having the power to levy taxes for the payment of principal and interest thereof. City and county bonds.

(c) Direct and general obligation bonds or notes issued by any municipality or political subdivision of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof: *Provided*, That such bonds are acceptable by the United States government as security for deposits of postal savings funds.

(d) In the first mortgage bonds listed on the New York stock exchange of any railroad corporation: *Provided*, That at no time within five years last preceding the date of any such investment such railroad corporation shall have failed regularly and punctually to pay the maturing principal and interest on all its indebtedness, and in addition thereto regularly and punctually to have paid in dividends to its stockholders, during each of said five years, an amount at least equal to 4% upon all its outstanding capital stock: *And provided further*, That at the date of every such dividend the outstanding capital stock of such railroad corporation shall have been equal to at least 1-3 of the total mortgage indebtedness of such railroad corporation, including all bonds issued, or to be issued under any mortgage securing any bonds in which investment shall be made. Railroad first mortgage bonds.

(e) In the legally issued bonds and mortgages on improved unincumbered real property in this state: *Provided*, That such incumbrance does not exceed 50% of the reasonable cash value of such real property at the time of said loan; and where buildings or other improvements constitute a material part of the value of the mortgaged Realty bonds and mortgages.

premises, they shall be kept insured against loss or damage by fire in a reasonable amount for the benefit of the mortgagee. Such loan shall be accompanied by an application therefor signed by the borrower and an abstract of title and a legal opinion showing good title, or by a certificate of title; also by a signed report of the officer or officers approving the loan certifying to the value of the premises mortgaged according to his or their judgment, all of which shall be filed and preserved among the records of the corporation.

Approved securities.

(f) Such other securities of a character possessing a substantial market value and general circulation among state and national banks within this state having an approving legal opinion as to their issuance, and having the approval of the state bank examiner: *Provided, however,* That none of the bonds, notes or other securities hereinbefore mentioned shall be eligible for purchase for trust funds during any default in payment of either principal or interest thereof: *And provided further,* That nothing herein shall prevent investment of trust funds in any manner specifically authorized by the instrument creating the trust, or create a greater liability upon the part of the corporation than assumed under such instrument.

Trust business separated from general business.

SEC. 49. Every corporation doing a trust business shall maintain in its office a trust department in which it shall keep books and accounts of its trust business, separate and apart from its other business. Such books and accounts shall specify the cash, securities and other properties, real and personal, held in each trust, and such securities and properties shall be at all times segregated from all other securities and properties. Such corporation shall also cause each bond, warrant, note, mortgage, deed or other security of any nature to be labeled to indicate the trust to which it belongs.

Oath by officer for company as executor or guardian.

SEC. 50. When any trust company shall be appointed executor, administrator, or trustee of any estate or guardian of the estate of any infant or other incompe-

tent, it shall be lawful for any duly authorized officer of such corporation to take and subscribe for such corporation any and all oaths or affirmations required of such an appointee.

SEC. 51. The total liability to any bank or trust company of any person for money borrowed, including in the liabilities of a firm or association the liabilities of the several members thereof shall not at any time exceed twenty per cent of the capital stock and surplus of such bank or trust company, actually paid in and unimpaired; but the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper upon solvent parties and actually owned by the person negotiating the same, shall not be considered as money borrowed: *Provided*, That loans secured by collateral security having an ascertained market value of at least fifteen per cent more than the amount of the loans secured, shall not be limited by this section.

Loans to one person not to exceed 20% of capital.

Discounts not classed as loans.

Loans on collateral securities.

SEC. 52. No bank or trust company shall, nor shall any officer or employee thereof on behalf of such corporation, directly or indirectly, loan any sum of money to any director, officer or employee of such corporation, unless a resolution authorizing the same and approved by a majority of the directors, at a meeting at which no director, officer or employee to whom the loan is to be made shall be present, shall be entered in the corporate minutes.

Loans to officers or employees.

Every director and officer of any bank or trust company who shall borrow or shall knowingly permit any of its directors, officers or employees to borrow, any of its funds in an excessive amount or in violation of the provisions of this section, shall be personally liable for any loss or damage which the corporation, its shareholders or any person may sustain in consequence thereof, and shall also be guilty of a felony.

Liability and penalty for violation.

SEC. 53. No corporation doing a trust business shall make any loan to any officer, or employee from its trust

Trust funds not to be loaned to officers or employees.

funds, nor shall it permit any officer, or employee to become indebted to it in any way out of its trust funds. Every officer, director, or employee of any such corporation, who knowingly violates any provision of this section, or who aids or abets any other person in any such violation, shall be guilty of a felony.

Penalty.

SEC. 54. No bank or trust company shall pledge or hypothecate any of its securities to any depositor or creditor except that it may qualify as depository for United States deposits, postal savings funds or other public funds deposited by any public officer by virtue of his office and may give such security for such deposits as are required by law or by the officer making the same: *Provided*, That any bank or trust company may borrow, for temporary purposes, not to exceed in the aggregate amount the paid-in capital and surplus thereof, and may pledge, as security therefor, assets of such corporation, not exceeding one and one-half times the amount borrowed. When it shall appear to the state bank examiner that any bank or trust company is habitually borrowing for the purpose of re-lending, he may require such corporation to pay off such borrowed money. Nothing herein shall prevent any bank or trust company from rediscounting in good faith and endorsing any of its negotiable notes, but all such moneys borrowed and all such rediscounts shall at all times show on its books and in its reports. No certificates of deposit shall be issued for the purpose of borrowing money. No officer of any bank or trust company shall issue the note of such corporation for money borrowed or re-discount any of its notes except when authorized by resolution of its board of directors or by an authorized committee thereof. Violation of any provision of this section shall constitute a felony.

Pledge of bank's securities.

Rediscount of bank's negotiable notes.

Penalty.

SEC. 55. Every transfer of its property or assets by any bank or trust company in this state, made in contemplation of insolvency, or after it shall have become insolvent within the meaning of this act, with a view to the preference of one creditor over another, or to prevent the

Preference by insolvent bank void.

equal distribution of its property and assets among its creditors, shall be void. Every director, officer or employee making any such transfer shall be guilty of a felony. Penalty.

SEC. 56. Every person who shall knowingly subscribe to or make or cause to be made any false statement or false entry in the books of any bank or trust company or shall knowingly subscribe to or exhibit any false or fictitious paper or security, instrument or paper, with the intent to deceive any person authorized to examine into the affairs of any bank or trust company or shall make, state or publish any false statement of the amount of the assets or liabilities of any bank or trust company shall be guilty of a felony. False statements or entries as to assets.

Penalty.

SEC. 57. Every officer, director or employee or agent of any bank or trust company who, for the purpose of concealing any fact or suppressing any evidence against himself, or against any other person, abstracts, removes, mutilates, destroys or secretes any paper, book or record of any bank or trust company, or of the state bank examiner, or of anyone connected with his office, shall be guilty of a felony. Mutilation or secretion of books and papers.

Penalty.

SEC. 58. The state bank examiner shall have the power to adopt and promulgate uniform rules and regulations to govern the examination and reports of banks and trust companies and the form in which such corporations shall report their assets and liabilities and reserves, charge off bad debts and otherwise keep their records and accounts and otherwise to govern the administration of this act. Every such rule and regulation shall be served upon each bank and trust company by mailing a copy thereof to each such corporation at its principal place of business. The person making such service shall file an affidavit thereof in the office of the examiner. Any such corporation deeming any such rule or regulation unreasonable or contrary to law may within thirty days after the service thereof, as aforesaid, apply to the superior court of Thurston county for a writ of review for the purpose Rules for bank examinations and reports.

Court review to determine reasonableness.

of having its reasonableness or lawfulness inquired into and determined. In every such hearing the burden shall be upon the corporation to establish the rule or regulation to be unreasonable or unlawful. Appeal shall lie from such court to the supreme court, as in other actions. The pendency of such a writ of review shall not of itself stay the operation of the rule or regulation, but the superior court may in its discretion restrain or suspend the same in whole or in part. Any rule or regulation promulgated by the examiner shall be effective and conclusive at the expiration of thirty days from the mailing thereof, as aforesaid, except as it may be restrained or suspended, as herein provided.

Compliance with rules.

Every bank or trust company and every director, officer, agent and employee thereof shall comply with every rule and regulation promulgated, as aforesaid, so long as the same shall remain in force.

Penalty.

Every violation of this section shall, in addition to any other penalty provided in this act, subject the offender to a penalty of \$100.00 for each offense, to be recovered by the attorney general in a civil action in the name of the state. In case of a continuing violation, every day's continuance thereof shall be a separate and distinct offense.

Possession taken by examiner for delinquencies.

SEC. 59. Whenever it shall in any manner appear to the state bank examiner that any bank or trust company has violated any provision of law or is conducting its business in an unsafe manner or that it refuses to submit its books, papers, or concerns to lawful inspection or that any director or officer thereof refuses to submit to examination on oath touching its concerns, or that it has failed to carry out any authorized order or direction of an examiner, the state bank examiner may give notice to the bank or trust company so offending or delinquent or whose director or officer is thus offending or delinquent to correct such offense or delinquency and if such bank or trust company fails to comply with the terms of such notice within thirty days from the date of its issuance or within such

further time as said examiner may allow, then the examiner may take possession of such bank or trust company as in case of insolvency.

SEC. 60. Whenever it shall in any manner appear to the state bank examiner that any offense or delinquency referred to in the preceding section renders a bank or trust company in an unsound or unsafe condition to continue its business or that its capital or surplus is reduced or impaired below the amount required by its articles of incorporation or by this act, or that it has suspended payment of its obligations or is insolvent, said examiner may notify such bank or trust company to levy an assessment on its stock or otherwise to make good such impairment or offense or other delinquency within such time and in such manner as he may specify or if he deem necessary he may take possession thereof without notice.

Levy of assessment may be ordered by examiner.

SEC. 61. Upon taking possession of any bank or trust company, the examiner shall forthwith give written notice thereof to all persons having possession of any assets of such corporation. No person knowing of the taking of such possession by the examiner shall have a lien or charge for any payment thereafter advanced or clearance thereafter made or liability thereafter incurred against any of the assets of such corporation.

Notice of examiner's possession.

SEC. 62. Upon taking possession of any bank or trust company, the examiner shall proceed to collect the assets thereof and to preserve, administer and liquidate the business and assets of such corporation. With the approval of the superior court of the county in which such corporation is located, he may sell, compound or compromise bad or doubtful debts and upon such terms as the court shall direct sell all real estate and personal property of such corporation. He shall deliver to each purchaser an appropriate deed or other instrument of title. If real estate is situated outside of said county, a certified copy of the orders authorizing and confirming the sale thereof shall be filed for record in the office of the auditor of the county in which such property is situated. He may ap-

Powers and duties of examiner in possession.

point special deputy examiners and other necessary agents to assist in the administration and liquidation of such corporation, a certificate of such appointment to be filed with the clerk of the county in which such corporation is located. He shall require each special deputy to give a surety company bond, conditioned as he shall provide, the premium of which shall be paid out of the assets of such corporation. He may also employ an attorney for legal assistance in such administration and liquidation.

SEC. 63. The examiner shall publish once a week for four consecutive weeks in a newspaper which he shall select, a notice requiring all persons having claims against such corporation to make proof thereof at the place therein specified not later than ninety days from the date of the first publication of said notice, which date shall be therein stated. He shall mail similar notices to all persons whose names appear as creditors upon the books of the corporation. He may approve or reject any claim, but shall serve notice of rejection upon the claimant by mail or personally. An affidavit of service of such notice shall be *prima facie* evidence thereof. No action shall be brought on any claim after three months from the date of service of notice of rejection.

Claims may be presented after the expiration of the time fixed in the notice, and if approved, shall be entitled to their proportion of prior dividends, if there be funds sufficient therefor, and shall share in the distribution of the remaining assets.

SEC. 64. All expenses incurred by the examiner in taking possession, administering and winding up any such corporation, including the expenses of deputies and other assistance and reasonable fees for any attorney who may be employed by him in connection therewith, and the reasonable compensation of any special deputy placed in charge of such corporation shall be a first charge upon the assets thereof. Such charges shall be fixed by the examiner, subject to the approval of the court.

Notice to
creditors.

Rejection of
claims.

Delayed
claims.

Examiner's
expenses a
charge on
assets.

SEC. 65. Upon taking possession of such corporation, the examiner shall make an inventory of the assets thereof in duplicate and file one in his office and one in the office of the county clerk. Upon the expiration of the time fixed for the presentation of claims, he shall make a duplicate list of claims presented, segregating those approved and those rejected, to be filed as aforesaid. He shall also make and file a supplemental list of claims at least fifteen days before the declaration of any dividend, and in any event at least every six months.

Inventory
of assets
and list of
claims.

SEC. 66. At any time after the expiration of the date fixed for the presentation of claims, the examiner, subject to the approval of the court, may declare one or more dividends out of the funds remaining in his hands after the payment of expenses.

Dividends.

SEC. 67. Objection may be made by any interested person to any claim approved by the examiner, which objection shall be determined by the court upon such notice to the claimant and objector as the court shall prescribe.

Objections
to approved
claims.

SEC. 68. Within ten days after the examiner takes possession thereof, a bank or trust company may serve a notice upon said examiner to appear before the superior court of the county wherein such corporation is located at a time to be fixed by said court, which shall not be less than five nor more than fifteen days from the date of the service of such notice, to show cause why such corporation should not be restored to the possession of its assets. Upon the return day of such notice, or such further day as the matter may be continued to, the court shall summarily hear said cause and shall dismiss the same, if it be found that possession was taken by the examiner in good faith and for cause, but if it find that no cause existed for the taking possession of such corporation, it shall require the examiner to restore such bank or trust company to possession of its assets and enjoin him from further interference therewith without cause.

Court
review of
examiner's
right to
possession.

Receiver-
ships and
assignments
for benefit
of creditors
prohibited.

SEC. 69. No receiver shall be appointed by any court for any bank or trust company nor shall any assignment of any bank or trust company for the benefit of creditors be valid, excepting only that a court otherwise having jurisdiction may in case of imminent necessity appoint a temporary receiver to take possession of and preserve the assets of such corporation. Immediately upon any such appointment, the clerk of such court shall notify the state bank examiner by telegraph and mail of such appointment and the examiner shall forthwith take possession of such bank or trust company, as in case of insolvency, and such temporary receiver shall upon demand of the examiner surrender up to him such possession and all assets which shall have come into the hands of such receiver. The examiner shall in due course pay such receiver out of the assets of such corporation such amount as the court shall allow.

Winding
up after
liquidation
of claims.

SEC. 70. When all proper claims of depositors and creditors (not including stockholders) have been paid, as well as all expenses of administration and liquidation and proper provision has been made for unclaimed or unpaid deposits and dividends, and assets still remain in his hands, the examiner shall call a meeting of the stockholders of such corporation, giving thirty days' notice thereof, by one publication in a newspaper published in the county where such corporation is located. At such meeting, each share shall entitle the holder thereof to a vote in person or by proxy. A vote by ballot shall be taken to determine whether the examiner shall wind up the affairs of such corporation or the stockholders appoint an agent to do so. The examiner, if so required, shall wind up such corporation and distribute its assets to those entitled thereto. If the appointment of an agent is determined upon, the stockholders shall forthwith select such agent by ballot. Such agent shall file a bond to the State of Washington in such amount and so conditioned as the examiner shall require. Thereupon the examiner shall transfer to such agent the assets of such corpora-

tion then remaining in his hands, and be relieved from further responsibility in reference to such corporation. Such agent shall convert the assets of such corporation into cash and distribute the same to the parties thereunto entitled, subject to the supervision of the court. In case of his death, removal or refusal to act, the stockholders may select a successor with like powers.

SEC. 71. Dividends and unclaimed deposits remaining in the hands of the examiner for six months after order of final distribution, shall be deposited in a bank or trust company to his credit in trust for the benefit of the person thereunto entitled, and, subject to the supervision of the court shall be paid by him to them upon receipt of satisfactory evidence of their right thereto.

Disposition of unclaimed dividends and deposits.

SEC. 72. Any bank or trust company may place itself under the control of the examiner to be liquidated as herein provided by posting a notice on its door as follows: "This bank (trust company) is in the hands of the state bank examiner."

Posting notice of examiner's possession.

Immediately upon the posting of such notice, the officers of such corporation shall notify the examiner thereof by telegraph and mail. The posting of such notice or the taking possession of any bank or trust company by the examiner shall be sufficient to place all of its assets and property of every nature in his possession and bar all attachment proceedings.

Effect.

SEC. 73. Whenever the examiner shall have taken possession of a bank or trust company for any cause, he may wind up such corporation and cancel its certificate of authority, unless enjoined from so doing, as herein provided. Or if at any time within ninety days after taking possession, he shall determine that all impairment and delinquencies have been made good, and that it is safe and expedient for such corporation to re-open, he may permit such corporation to re-open upon such terms and conditions as he shall prescribe. Before being permitted to re-open, every such corporation shall pay all of the expenses of the examiner, as herein elsewhere defined.

Permit by examiner to re-open bank.

Voluntary liquidation.

SEC. 74. Any bank or trust company may, upon receipt of written permission from the examiner, go into voluntary liquidation by a vote of its stockholders owning two-thirds of its capital stock. When such liquidation is authorized, the directors of such corporation shall publish in a newspapers published in the place where such corporation is located, once a week for four consecutive weeks, a notice requiring creditors of such corporation to present their claims against it for payment.

Transfer of assets and liabilities to another bank.

SEC. 75. A bank or trust company may for the purpose of consolidation or voluntary liquidation transfer its assets and liabilities to another bank or trust company, by a vote of the stockholders owning two-thirds of its capital stock, but only with the written consent of the examiner and upon such terms and conditions as he may prescribe. Upon any such transfer being made, or upon the liquidation of any such corporation, the examiner shall terminate its certificate of authority.

Bank examiner to complete term.

SEC. 76. Whoever may hold the office of state bank examiner at the time this act becomes operative may, unless sooner removed, hold such office under this act for the term for which appointed and the increase in salary herein provided for shall not be effective as to him during such term.

Existing transactions not affected.

SEC. 77. Nothing in this act shall be construed to affect the legality of investments, heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made or transactions had.

Continuance under former laws.

SEC. 78. Every corporation, which at the time this law becomes operative, is actually and publicly engaged in banking or trust business in this state in full compliance with the laws hereof, which were in force immediately prior to the time when this law becomes operative, may, if it otherwise complies with the provisions of this act, continue its said business, subject to the terms and regulations hereof and without amending its articles of incorporation, although its name and the amount of its capital

stock, the number or length of terms of its directors or the form of its articles of incorporation do not comply with the requirements of this act: *Provided:*

1. That any such bank, which was by the state bank examiner lawfully permitted to operate, although its capital stock was not fully paid in, shall pay in the balance of its capital stock at such times and in such amounts as said examiner may require. Capital stock must be fully paid.

2. That any bank or trust company which shall amend its articles of incorporation must in such event comply with all the requirements of this act. Companies amending articles.

3. That the directors of trust companies at the time this act becomes operative may continue to hold such office for the terms for which elected, but the terms of all directors hereafter elected shall be governed by this act. Directors of trust companies.

SEC. 79. Any corporation existing at the time this act becomes operative, the name of which contains any word, the use of which by such corporation is prohibited by this act, may nevertheless continue the use of such name for a period of time not exceeding ninety days from the time this act becomes operative. Any such corporation may file supplemental articles of incorporation within such period changing its corporate name to comply with the requirements of this act without the payment of any filing fee for so doing but such supplemental articles shall contain no other amendment. Change of corporate name to comply with act.

SEC. 80. Every person who shall violate, or knowingly aid or abet the violation of any provision of this act for which no penalty has been prescribed, and every person who fails to perform any act which it is made his duty to perform herein and for which failure no penalty has been prescribed, shall be guilty of a misdemeanor. Penalty where not otherwise prescribed.

SEC. 81. The owners or officers of any bank who shall fraudulently receive any deposit, knowing that such bank is insolvent, shall be deemed guilty of a felony, and punished upon conviction thereof, by a fine not exceeding one thousand dollars (\$1,000.00), or imprisoned in the state Penalty for insolvent banks receiving deposits.

penitentiary not exceeding ten years, or both such fine and imprisonment, at the discretion of the court.

Repealing
clause.

SEC. 82. Sections 3290 to 3343, both inclusive and 3346 to 3368, both inclusive of Rem. & Bal. Code are hereby repealed, excepting that insofar as any provision of this act is in form or substance the re-enactment of existing legislation, it shall be deemed a continuation thereof.

Emergency.

SEC. 83. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing institutions and shall take effect immediately.

Passed the House March 1, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 81.

[H. B. 239.]

GUARANTY OF BANK DEPOSITS.

AN ACT relating to banks, providing for the security of deposits thereof, including certain deposits of public funds, creating a depositors' guaranty fund, providing for the administration thereof, prescribing the powers and duties of certain officers with reference thereto, providing penalties for violations thereof, and making an appropriation.

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

Definitions.

SECTION 1. The term "bank," wherever used in this act, shall be held and construed to mean and include any corporation organized under the laws of this state authorizing the organization of banks or trust companies, except mutual savings banks, and engaged in the banking business in this state; the terms "guaranty fund" and "fund," wherever used in this act, shall be held and construed to mean the "Washington bank depositors' guaranty fund" created under the provisions of this act; the term "board," wherever used in this act, shall be held and

construed to mean the "guaranty fund board," created under the provisions of this act; the term "examiner," wherever used in this act, shall be held and construed to mean the state bank examiner; the terms "member," "member bank" and "guaranteed bank" wherever used in this act, shall be held and construed to mean any bank that shall be admitted to, and assume the duties and participate in the benefits of, the guaranty fund; the terms "deposits eligible to guaranty," "eligible deposits" and "guaranteed deposits," wherever used in this act, shall be held and construed to mean money deposited, in a bank, subject to check or other form of withdrawal, and not specifically secured.

SEC. 2. There is hereby created for the protection and security of depositors in banks, a fund which shall be known as the "Washington bank depositors' guaranty fund" and shall consist, (a) of securities of the face value of an amount equal to one thousand dollars (\$1,000.00) for every one hundred thousand dollars (\$100,000) or major fraction thereof, of the respective annual average deposits, eligible to guaranty under the provisions of this act, of each member of such fund, to be deposited as collateral for the payment of assessments made against the members of the fund: *Provided*, That no member shall furnish such collateral security in a sum less than five hundred dollars (\$500); and (b) of cash equal to one-half of one per cent of the total amount of the annual average daily deposits, eligible to guaranty, of all such member banks, to be deposited with the fund by such member banks in proportion to their respective annual average daily deposits eligible to guaranty.

Bank
depositors'
guaranty
fund.

SEC. 3. The fund provided for in the preceding section shall be administered by a board consisting of the governor and the state bank examiner, *ex-officio*, and three members to be appointed by the governor, two of whom, except the members first appointed under this act, shall be officers or directors of member banks, and none of whom shall be an officer or director of a national bank,

Guaranty
fund board.

which board shall be known as "the guaranty fund board." Within fifteen (15) days after the taking effect of this act the governor shall appoint the members of said board, and the members so appointed shall serve until and for the term of one, two and three years, respectively, from and after the first day of January, 1919, and until their successors are appointed and qualified, and thereafter one member of said board shall be appointed annually on the first day of January, for the term of three years. The appointive members of said board shall serve without compensation, but shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties. The governor shall be, *ex-officio*, the chairman, and the state bank examiner shall be, *ex-officio*, the secretary and executive officer, of the board. The attorney general shall be the legal adviser of the board. Each appointive member of the board shall, before entering upon his duties under the provisions of this act, take and subscribe an oath to faithfully perform such duties.

Oath of
appointive
members.

SEC. 4. Within thirty (30) days after the taking effect of this act, the board shall meet at the state capitol and organize, and shall have power from time to time to adopt, publish and enforce reasonable rules and regulations governing the admission of banks as members of the fund, and prescribing the duties of member banks, not inconsistent with the provisions of this act or the laws relating to banks, and shall have power to provide the necessary books, records and other supplies, and the necessary assistance, and pay the necessary expenses for carrying out the provisions of this act, and the cost of all such supplies, assistance and expenses shall be paid out of the guaranty fund by resolution of the board authorizing the same and entered upon its minutes, and upon vouchers approved by the chairman of the board. The state treasurer shall be the custodian of the securities deposited with the board, as collateral security for the compliance with the provisions of this act, by the members of the fund, and it shall be the duty of such custodian, under the authority

Powers and
duties of
board.

Custodian
of securities.

and by the direction of the board, to securely keep such securities, under the joint control of the governor, the state bank examiner and the state treasurer, in a fire-proof vault and in receptacles so arranged as to be capable of being opened only by the use of three keys, one of which shall be kept by the governor, one by the examiner, and the third by the state treasurer, and to cut from any bonds deposited as securities, the interest coupons thereof, and send or deliver the same to the respective banks which deposited such bonds: *Provided, always,* That the bank shall have paid its assessments in full to date. And the board shall have power to designate guaranteed banks as depositories for all moneys in the fund, under such rules and regulations as the board may from time to time, adopt.

Depositories
of guaranty
funds.

SEC. 5. Immediately upon the organization of the board and the adoption of the rules and regulations as provided in the preceding section, it shall be the duty of the examiner to cause to be printed in pamphlet form, this act and the rules and regulations adopted by the board, and to transmit a copy of such pamphlet, together with blank forms of application for membership in the fund, to each bank in the state.

Duty of
bank
examiner.

SEC. 6. All applications for membership in the fund shall be made by resolution of the board of directors of the bank applying, duly certified by its president and secretary, in the form prescribed by the guaranty fund board, and shall contain an agreement on the part of the applicant, that, in case the application is approved and the bank admitted to membership in the fund, it will comply with all the provisions of this act and the rules and regulations adopted by the board, and shall be filed with the state bank examiner as secretary of the board. Upon the filing of any such application, the examiner, if it shall appear therefrom that the applicant is apparently eligible to membership in the fund under the provisions of this act, shall make a complete and rigid examination of the affairs of such bank in the manner provided by law, and at the expense of such bank, and submit such application, to-

Bank
applications
for mem-
bership.

Examina-
tion of
applicants.

gether with a report of the result of his examination, to the board at its next regular meeting, or at a called meeting, in case no regular meeting is to be held within thirty (30) days from the date of such application: *Provided, however,* That in case the examiner has within ninety (90) days prior to the receipt of any such application, made a complete examination of the affairs of the applicant bank in the manner provided by law, he may submit such application, together with the report of the result of such previous examination, without further examination, unless directed by the board to make a further examination.

SEC. 7. The state bank examiner, as secretary of the board, shall keep proper books of record of all acts, matters and things done by him under the provisions of this act, as records of his office as secretary of the board. It shall be unlawful for any member of the board, or any deputy or clerk of the examiner, or any assistant examiner appointed by the board under the provisions of this act, to disclose any fact or information with reference to the affairs of any bank, obtained in the performance of his duties under the provisions of this act, to any other person than a member of the board, the state bank examiner, or his deputies, or a United States or clearing house bank examiner, except so far as the law makes it his duty to make public records and publish the same, and any violation of the provisions of this section shall subject the state bank examiner, or any appointive member of the board, or any deputy or clerk of the examiner, or any assistant examiner appointed by the board under the provisions of this act, to prosecution for misdemeanor in any court of competent jurisdiction, and to punishment by a fine of not exceeding one thousand dollars, with imprisonment in the county jail until the same is paid; and such conviction shall subject the offender to the forfeiture of his office or employment.

SEC. 8. If the board shall find from the application and the report of the examiner, that the applicant bank

Records
of bank
examiner.

Penalty for
divulging
information
obtained.

Approval of
application.

is in sound financial condition and properly managed, and is conducting its business in strict accordance with the law under which it is organized, and the provisions of this act, and has an unimpaired surplus equal to ten per cent (10%) of its capital, and has been actively engaged in business for at least one year prior to the date of its application, it shall cause the secretary of the board to notify the applicant bank that its application has been approved, and that it will be admitted to membership in the fund upon depositing with the secretary, (a) bonds or notes constituting the direct and general obligation of the United States, or of any state thereof, or bonds, the payment of which, both principal and interest, is guaranteed by the United States or any state thereof, or (b) direct and general obligation bonds or notes issued by any municipality or political subdivision of the State of Washington having the power to levy taxes for the payment of principal and interest thereof, or (c) direct and general obligation bonds or notes issued by any municipality or political subdivision of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof: *Provided*, That such bonds are acceptable by the United States government as security for deposits of postal savings funds, (or certificates of deposit in guaranteed banks, in whole or in part, in lieu of such bonds) of the face value of one thousand dollars (\$1,000) for every one hundred thousand dollars (\$100,000), or major fraction thereof, of its annual average daily eligible deposits for the year preceding the date of its application, as collateral security for its compliance with the provisions of this act; and upon depositing with the secretary of the board for the benefit of the fund, cash in an amount equal to one-half of one per cent of its annual average daily eligible deposits for the year preceding the date of its application: *Provided*, That in no case shall the amount of collateral security deposited be less than five hundred dollars (\$500), and in no case shall certificates of deposit in guaranteed banks be de-

Deposit of
securities
by banks.

Deposits
in fund
carried as
assets.

posited in lieu of bonds, for a longer period than ninety days: *And provided, further,* That such bonds, or certificates in lieu thereof, and cash, so deposited, shall not be charged out of the assets of the bank, except as herein-after provided, but shall be carried in its assets under the heading "deposited with depositors' guaranty fund," until such time as said bank is in default in any payment of assessments as hereinafter provided, and any such bank shall be permitted to exchange its bonds so deposited, or bonds subsequently deposited as additional collateral security, for other bonds acceptable under this act, or to deposit certificates of deposit in guaranteed banks in lieu thereof, which must in turn be withdrawn and bonds acceptable under this act substituted therefor within ninety days: *And provided, further,* That the limitation of having been engaged in business for one year previous to the date of the application, shall not prevent any bank from being admitted to membership in such fund, if such bank is otherwise eligible, and is engaged in business in a city or town, in which all banks have neglected or failed to become guaranteed banks under the provisions of this act, for a period of six (6) months after the taking effect of this act.

Waiver of
one year
limitation
on existence
of bank.

Admission
withheld
until com-
pliance with
conditions.

SEC. 9. If the board shall find from any such application for membership, and from the report of the examiner, that the applicant has not the required unimpaired surplus, or is not in sound financial condition, or is not conducting its business in accordance with the provisions of this act, or that its method of conducting its business is, in the opinion of the board, reckless or unsafe, the board shall cause the secretary to notify the applicant of the conditions upon which it may be admitted to membership. If the applicant shall fail or neglect for a period of sixty (60) days, to comply with the conditions imposed by the board and furnish proof of such compliance to the satisfaction of the board, its application shall be rejected, but in case the applicant shall comply with the conditions and furnish proof of such compliance within said period of

Rejection of
applicant.

sixty (60) days, it shall be admitted to membership. Any applicant for membership in the guaranty fund, feeling itself aggrieved by any decision of the board rejecting its application, or believing that the conditions imposed for its admission to membership are unreasonable or unjust, may, within thirty (30) days from such decision of the board, appeal therefrom to the superior court of Thurston county, by filing with the clerk of said superior court a notice of appeal, and serving a copy thereof upon the secretary of the board, and all such appeals shall be heard *de novo* and be speedily determined. If in case of an appeal, the decision of the board shall be reversed or modified by the court, and the applicant shall comply with the conditions imposed by the court, and shall deposit the required amount of bonds as collateral security, and deposit with the secretary of the board for the benefit of the fund, the required amount of money, the applicant shall be admitted to membership in the fund.

Appeal to
superior
court.

SEC. 10. Upon the admission of any bank to membership in the fund, the secretary of the board shall issue to such bank a certificate stating in substance that said bank has complied with the provisions of this act, and that its deposits not otherwise secured are guaranteed by the Washington bank depositors' guaranty fund, and from and after the issuance of such certificate such bank shall be governed by the rules and regulations adopted by the board, prescribing the duties of guaranteed banks, and shall be entitled to participate in the benefits of the guaranty fund, and to advertise that it is a member of said fund, and that its deposits are guaranteed thereby, but no such bank shall advertise that its deposits are guaranteed by the State of Washington. The guaranty provided for in this act shall not apply to a bank's obligation as an endorser upon bills re-discounted, nor to bills payable, nor to money borrowed from its correspondents or others, nor deposits of public funds in excess of its capital and surplus. Every such guaranteed bank shall be entitled to act as a depository of any public funds of, or under the control

Certificate
of guaranty.

Extent of
guaranty.

of, the state, or any county or municipality within the state, and the guaranty of the guaranty fund shall extend to such public funds so deposited to an amount equal to, but not in excess of, the capital and surplus of such bank, if the custodian of such funds shall elect to deposit the same under the guaranty of such fund; but as to any amount of such public funds deposited in excess of the capital and surplus of such bank, and as to any public funds deposited, in case the custodian making the deposit shall so elect, such guaranteed bank shall be required to give a surety company bond, in the amount provided by law as security therefor.

SEC. 11. On or before the 10th day of January of each year, each guaranteed bank shall certify under oath to the secretary of the board, the amount of deposits eligible to guaranty under the provisions of this act, and the amount of deposits not eligible to guaranty, in such bank at the close of each business day during the preceding year, and the average daily deposits eligible to guaranty, and the average daily deposits not eligible to guaranty, for the preceding calendar year. On or before the 30th day of January of each year, the guaranty fund board shall determine the total amount of collateral security, equal to one per cent of the total average daily eligible deposits of all the guaranteed banks, for the preceding calendar year, required to be deposited and maintained for the current year, and the total amount of cash, equal to one-half of one per cent of the total average daily eligible deposits of all the guaranteed banks, for the preceding calendar year; and shall determine the respective amounts of collateral securities required to be deposited and maintained by each guaranteed bank, equal to one per cent of the average daily eligible deposits of such bank, for the preceding calendar year; and shall determine the respective amount of cash, equal to one-half of one per cent of the average daily eligible deposits of each guaranteed bank for the preceding calendar year, to be charged against said bank; and shall determine the total amount of cash

Annual
bank reports
as to
deposits.

Determina-
tion of
bonds and
cash re-
quired from
members.

on hand to the credit of the guaranty fund, and the respective amount of cash on hand to the credit of each guaranteed bank; and thereupon the secretary of the board shall notify each guaranteed bank of the amount of bonds required to be deposited in addition to the bonds already on deposit to the credit of such bank, and shall assess against, and collect from, each guaranteed bank the amount of cash required to make up the difference between the amount of cash on hand to the credit of such bank and the amount charged thereto for the current year, and shall refund to each guaranteed bank any excess of the amount of bonds deposited, and of cash on hand, to the credit of such bank, over the amount charged thereto for the current year. It being the intention, on or before the first day of February of each calendar year, to so adjust the amount of bonds deposited with, and cash in, the guaranty fund for the current year, so that it shall equal one per cent and one-half of one per cent, respectively, of the total average daily eligible deposits of all the guaranteed banks for the preceding calendar year, and so that each guaranteed bank shall be charged with, and deposit and pay into such fund, or have credited to it, an amount of bonds and cash equal to, but not in excess of, one per cent and one-half of one per cent, respectively, of its average daily eligible deposits for the preceding calendar year. In case the cash on hand in the guaranty fund shall at any time be reduced by more than twenty-five per cent of the amount provided for the current year, the board shall determine whether it is necessary or expedient to make an assessment on the member banks, to replenish such fund, before the next ensuing annual adjustment; and in case the board shall determine that such assessment is necessary or expedient, it shall cause the same to be made in proportion to the respective average daily eligible deposits of such banks, for the preceding calendar year, and shall direct the secretary of the board to notify the member banks of the respective amounts of their assessments, and to collect the same: *Provided*, That not more than one-half of one

Annual re-
adjustment
by guaranty
board.

per cent of the total amount of average daily eligible deposits of all the guaranteed banks, for the preceding calendar year, shall be so assessed in any one calendar year.

SEC. 12. Whenever any bank shall apply for and be admitted to membership in the guaranty fund after the annual adjustment in any calendar year, such bank shall be required to deposit collateral securities and cash with the secretary of the board for the benefit of the fund, in amount respectively, approximately equal to its proportionate share of the collateral securities on deposit, and to the money on hand in the fund, after all deductions, for expenses and losses incurred during the current year to date, shall have been made, the amount of such deposits to be determined by the secretary of the board. The above mentioned deposits shall not, however, be required of any new banks formed by the reorganization or consolidation of guaranteed banks which have previously complied with the terms of this act for the current year.

Require-
ments from
new
members.

SEC. 13. If after the passage of this act, any guaranteed bank, or the board of directors, or any officer thereof, shall pay interest on any form of deposits on different terms than those, or at a rate in excess of that, approved by the guaranty fund board from time to time, and that shall be uniform within each county; or shall pay any interest on any savings deposit withdrawn before July 1 or January 1 next following the date of the deposit, or on any time certificate cashed before maturity; such bank shall be deemed to be reckless, and its certificate as a member of the guaranty fund, may, in the discretion of the board, be cancelled: *Provided, however,* That any existing contract for higher rates of interest, entered into before the passage of this act, may be carried out unimpaired, and such existing contract shall not disqualify such bank from becoming a member of the fund, if it is, in the opinion of the board, otherwise eligible. If any managing officer of any guaranteed bank, or any person acting in its behalf or for its benefit, shall pay, or promise to pay, any depositor in such bank, either directly or indirectly, any in-

Cancellation
of member-
ship for
reckless
dealings.

Grounds for
forfeiture
of deposits
in guaranty
fund.

terest, on different terms than those, or a rate in excess of, or in addition to the maximum rate, approved by the board for the county in which such bank is engaged in business, or shall, with intent to evade any of the provisions of this act, pledge the time certificate, or other obligation of such bank, as security for the personal obligation of himself or any other person, or shall display or publish any card or other advertisement, tending to convey the impression that the deposits of such bank are guaranteed by the State of Washington, either directly or indirectly, the certificate of such bank as a member of the guaranty fund shall be cancelled, and its bonds, or certificates of deposit in lieu thereof, and its cash deposited for the benefit of the guaranty fund, shall be forfeited. Any managing officer of any bank, or any person acting in its behalf or for its benefit, who shall display any card, or publish any advertisement, or make any statement, to the effect that its deposits are guaranteed by the Washington bank depositors' guaranty fund, when such bank is not a member of such fund, or is not authorized so to do under the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred, nor more than one thousand dollars.

Penalty for false representation as to guaranty.

SEC. 14. If at any regular or special examination of a guaranteed bank, made by or under the direction of the state bank examiner, it shall be found that such bank is violating any of the provisions of this act, the examiner shall notify such bank of such violation, and require the same to comply with the provisions of this act within thirty days from the date of such notice; and if at the expiration of thirty days, such provisions have not been complied with, the certificate of membership of such bank in the guaranty fund, shall be cancelled and its bonds, or certificates of deposit in lieu thereof, and its cash, deposited for the benefit of the guaranty fund, shall be forfeited.

Violation of guaranty act by member banks.

SEC. 15. If any guaranteed bank shall fail or neglect for a period of thirty days after any assessment has been

Failure of bank to remit assessments due.

made against such bank, as provided in this act, to remit the amount of such assessment to the secretary of the guaranty fund board, there shall be added to such assessment a penalty of fifty per cent of the amount thereof, and a sufficient amount of the bonds of such bank, deposited as collateral security for the benefit of the guaranty fund, shall be immediately sold by the secretary of the board, at public sale, and the proceeds of such sale applied to the payment of said assessment and penalty. Any balance remaining from the proceeds of such sale, after the payment of such assessment and penalty, shall remain to the credit of the bank as collateral security for the benefit of the guaranty fund, and if the bank does not, within sixty days from default of payment of such assessment, remit the full amount of such assessment and penalty to the secretary of the board, and restore the amount of its bonds, or certificates of deposit in lieu thereof, required to be deposited as collateral security for the benefit of the guaranty fund, the remainder of the bonds of such bank, or certificates of deposit in lieu thereof, deposited and held as collateral security for the benefit of the guaranty fund, shall be forfeited. Upon the failure of any guaranteed bank to remit any assessment made against it in accordance with the provisions of this act, the state bank examiner shall immediately cause such bank to be examined, and if it is found to be insolvent, he shall take charge of and liquidate such bank according to law. Whenever the certificate of any guaranteed bank, as a member of the guaranty fund, shall be cancelled as hereinabove provided, the secretary of the board shall cause to be displayed in a conspicuous place in the banking rooms of such bank, continuously for six months, a card not smaller than twenty by thirty inches, containing in large plain type the following words: "This bank has withdrawn from the bank depositors' guaranty fund, and the guaranty of its deposits will cease on and after theday of, 19.."

The date on such card shall be a date six months after the first posting of such card.

Sale of securities to cover assessments.

Forfeiture of securities.

Investigation as to solvency.

Public notice as to withdrawal from guaranty fund.

SEC. 16. Whenever the deposits in a guaranteed bank shall have, for a period of ninety days continuously, exceeded twenty times its capital and surplus, the secretary of the board shall notify such bank that it must, within ninety days from the date of such notice, increase its capital to such an amount that its combined capital and surplus shall equal or exceed one-twentieth of its average daily deposits for the preceding ninety days, and in case such bank shall fail and neglect for a period of ninety days from and after such notice to so increase its capital, its certificate as a member of the guaranty fund shall be cancelled.

When bank required to increase capital stock

SEC. 17. Whenever any solvent guaranteed bank shall elect to withdraw from the guaranty fund, and shall have given notice in writing to the secretary of the guaranty fund board of such withdrawal, and shall have displayed a card in a conspicuous place in its banking rooms as provided in the preceding section, for a period of six months from the date of such withdrawal, or whenever any solvent guaranteed bank shall surrender its certificate of authority from the state and cease to do business, and shall have discharged all of its deposit liabilities to the satisfaction of the state bank examiner, and whenever such withdrawn or liquidated bank shall have paid all assessments made against it, for the benefit of the guaranty fund, prior to the date of its withdrawal, or the surrender of its certificate of authority, as the case may be, and shall have paid all assessments made against it, for the benefit of the guaranty fund within a period of twelve months after its withdrawal, or liquidation, as the case may be, it shall be entitled to receive its bonds, or certificates of deposit in lieu thereof, and its cash deposited for the benefit of the guaranty fund: *Provided*, That in case, and by reason of the failure of guaranteed banks, there shall have been issued against the guaranty fund, prior to the date of withdrawal or liquidation, as the case may be, or during the twelve months thereafter, warrants which are still outstanding

Withdrawal of bank from guaranty fund.

Surrender of securities.

and unpaid, such withdrawn or liquidated bank shall not be entitled to receive its bonds or cash until such time as it shall have paid assessments equal to the amount of its bonds on deposit with the guaranty fund, or sufficient to pay its proportionate share of said warrants outstanding.

SEC. 18. Whenever the state bank examiner shall take charge of and proceed to wind up the affairs of any guaranteed bank, as provided by law, he shall as soon as possible issue to each guaranteed depositor, upon proof of claim, a warrant, drawn upon and payable out of the guaranty fund, for the amount of the depositor's claim, which warrant, if there be not sufficient money in the guaranty fund to pay the same, shall bear interest at the rate of five per cent per annum from date until called.

Guaranty warrants to depositors in insolvent banks.

SEC. 19. Whenever the state bank examiner shall have issued warrants upon the guaranty fund, in payment of claims for guaranteed deposits of any failed bank, such claims and all rights of action and remedies of the depositors therefor, shall inure to the state bank examiner for the benefit of the guaranty fund, and all sums realized therefrom shall be paid into the guaranty fund.

Subrogation of bank examiner to rights of depositors.

SEC. 20. Any number of guaranteed banks, may form an association, under such distinctive name as they shall choose, by making and adopting articles of association and by-laws, and filing copies thereof with the secretary of the guaranty fund board, and such association shall have power to examine the associated banks at such times, and by such methods, as may be determined by the by-laws of the association, and approved by the secretary of the board, and may make such examination either independently of or in conjunction with the state bank examiner.

Associations formed by guaranteed banks.

SEC. 21. Whenever by act of congress, or by ruling of the treasury department, national banking associations located and doing business within this state, are permitted to avail their depositors of the protection of the guaranty fund provided for in this act, any such association, after examination at its expense by the state bank examiner,

Admission of national banks.

and upon the approval of the guaranty fund board, may become a member of the guaranty fund upon the terms and conditions provided in this act.

SEC. 22. For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand five hundred (\$2,500) dollars, or so much thereof as may be necessary, which sum shall be expended upon vouchers approved by the guaranty fund board and signed by the governor as chairman, and the sums so expended shall be repaid to the state and deposited in the state treasury whenever in the judgment of the board there shall be moneys in the guaranty fund available to repay the same.

Appropriation, \$2,500.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 10, 1917.

CHAPTER 82.

[H. B. 99.]

AUTHORIZING INSURANCE COMMISSIONER TO APPOINT DEPUTIES.

AN ACT relating to insurance, and amending section 6059-6 of Remington & Ballinger's Code.

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

SECTION 1. That section 6059-6 of Remington & Ballinger's Code be amended to read as follows:

Section 6059-6. Deputy Commissioner—Actuary—Examiner—Salaries.

The state insurance commissioner may appoint a deputy insurance commissioner, who shall take and subscribe the same oath of office as the state insurance commissioner, which oath shall be endorsed upon the certificate of his appointment and filed in the office of the secretary of state. Said appointment may be revoked at the will of the com-

missioner, who shall be held responsible for all official acts of his said deputy. Such deputy commissioner to have the power to perform any act or duty conferred upon the insurance commissioner. The commissioner may also appoint an actuary or examiner and such other deputies and employ such additional clerks and stenographers as the public business in his office may require, at an expense not exceeding the amount appropriated by the legislature.

Neither the commissioner nor any deputy, nor any employees in his office, shall be directly or indirectly interested in any insurance company, except as an ordinary policy holder.

Passed the House February 26, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 83.

[H. B. 184.]

STATE TROUT HATCHERY IN WHATCOM COUNTY.

AN ACT to establish a state trout hatchery in Whatcom county and making an appropriation therefor.

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

SECTION 1. The state fish commissioner is hereby authorized and directed to establish and maintain a state trout hatchery at some suitable location in Whatcom county to be selected by him, and there is hereby appropriated out of any moneys in the game fund not otherwise appropriated, the sum of seven thousand five hundred dollars (\$7,500.00) or as much thereof as may be necessary, to erect, equip and maintain the same.

Appropriation, \$7,500.

Passed the House March 2, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 84.

[H. B. 347.]

CHANGING NAME OF SPIKETON.

AN ACT changing the corporate name of the town of Spiketon, in Pierce county, State of Washington, to Morrystown.

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

SECTION 1. That the name of the town of Spiketon, situate in Pierce county, State of Washington, be and the same is hereby changed to Morrystown. Name changed to Morrystown.

Passed the House February 26, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 85.

[S. H. B. 373.]

MAKING SECRETARY OF STATE EX-OFFICIO SUPERINTENDENT OF WEIGHTS AND MEASURES.

AN ACT relating to weights and measures, and granting all the powers and imposing all the duties now vested and required to be performed by the public service commission with respect to weighing devices used by common carriers other than track scales, in the secretary of state as *ex-officio* superintendent of weights and measures.

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

SECTION 1. The secretary of state as *ex-officio* superintendent of weights and measures, shall have the power and it shall be his duty to exercise all the powers and perform all the duties now vested in and required to be performed by the public service commission with respect to weighing devices used by common carriers other than track scales, and such scales and devices shall be subject to the rules and regulations promulgated by the superintendent of weights and measures. Jurisdiction over weighing devices of common carriers.

Passed the House March 3, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 86.

[S. B. 163.]

AUTHORIZING CURLEW IRRIGATION DISTRICT TO
OVERFLOW STATE LANDS.

AN ACT granting to Curlew irrigation district for public uses and purposes, the right and privilege to overflow certain state lands.

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

SECTION 1. That there is hereby granted to the Curlew irrigation district, a district organized, established and existing under the laws of the State of Washington, for the purpose of irrigating the lands within said district, the right and privilege to overflow the shore lands of the State of Washington bordering on Karamip or Curlew lake and Roberta lake, in Ferry county, State of Washington, up to and including the high water mark of said lake.

Passed the Senate February 20, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 87.

[S. B. 222.]

PUBLICATION OF SUPREME COURT REPORTS.

AN ACT relating to the publication of the Washington supreme court reports, and amending section 9066 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9066 of Rem. & Bal. Code be amended to read as follows:

Section 9066. The reports of the supreme court of the State of Washington shall be published in volumes of not less than seven hundred (700) pages, exclusive of indices and tables of cases reported, cases cited and statutes construed. The style of type used, the general typography

and binding, shall be equal in quality and generally similar to that used in volume thirty-five (35) Washington Reports, official edition: *Provided*, That the reporter may require the publisher to have two more "ems" on each line and two more lines on each page. The publisher, under its contract with the state, may use in the publication of the reports, regular law book paper equal in quality to that used in volumes thirty-five (35) and ninety-one (91) of the Washington reports, and of weight not lighter than forty-five (45) pounds to the ream, when approved by the chief justice of the supreme court, and the reporter and the chief justice may authorize the furnishing of any portion of the volumes furnished to the state to be bound in buckram instead of sheep.

Paper.

Buckram binding.

Passed the Senate February 24, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 88.

[S. B. 171.]

FIXING SALARIES IN COUNTIES OF OVER 250,000 POPULATION.

AN ACT fixing the compensation of all county officers in counties having a population of over two hundred and fifty thousand (250,000) and naming such counties Class "A" counties.

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

SECTION 1. All counties having a population of over two hundred and fifty thousand (250,000) shall be known as class "A" counties.

Class "A" counties.

SEC. 2. The salary of all county officers of class "A" counties shall be as follows: County sheriff, three thousand six hundred dollars (\$3,600.00) per annum; county attorney, three thousand six hundred dollars (\$3,600.00) per annum; county treasurer, three thousand six hundred dollars (\$3,600.00) per annum; county auditor, three thou-

Salaries of officers.

sand six hundred dollars (\$3,600.00) per annum; county clerk, three thousand six hundred dollars (\$3,600.00) per annum; county assessor, three thousand six hundred dollars (\$3,600.00) per annum; county engineer, three thousand six hundred dollars (\$3,600.00) per annum; county commissioners, three thousand six hundred dollars (\$3,600.00) per annum; county superintendent of schools, three thousand dollars (\$3,000.00) per annum; and county coroner, two thousand dollars (\$2,000.00) per annum.

Passed the Senate February 27, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 89.

[S. B. 232.]

EXTENSION OF TIME FOR REMOVAL OF TIMBER FROM STATE LANDS.

AN ACT amending section 1 of chapter 150, Session Laws of 1915, entitled "An act relating to the extension of time in which to remove the timber on state, school or granted lands."

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

SECTION 1. That section 1 of chapter 150 Session Laws of 1915 be amended to read as follows:

Section 1. The owner or owners of any standing or fallen timber heretofore sold by the State of Washington, may, with the approval of the board of state land commissioners have the time in which to remove the same extended for a further period of time not to exceed five years from and after the date upon which it may now be removed upon paying annually in advance six cents (\$.06) per thousand feet of timber as shown by the state cruise, but in no event to exceed the sum of one dollar and fifty cents (\$1.50) per acre: *Provided*, That such payment is made before the expiration of the term in which the same was to be removed or before the expiration of any

Five year extension.

Conditions.

extension heretofore or hereinafter granted: *And provided further*, That before any such extension is granted the applicant shall furnish to the board satisfactory proof that all state, county and other taxes due or payable upon the said timber have been fully paid.

Passed the Senate February 23, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 90.

[S. B. 11.]

DEAD BODIES AND PUBLIC MORGUES IN COUNTIES OF 250,000 POPULATION.

AN ACT relating to the control of dead bodies, and providing for the establishment, maintenance and regulation of public morgues in counties having a population of two hundred and fifty thousand or more, and prescribing penalties for the violation thereof.

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

SECTION 1. In counties of the first class of more than two hundred and fifty thousand population, the county commissioners, within three (3) months after the taking effect of this act and in counties which shall hereafter attain a population of more than two hundred and fifty thousand, within one (1) year after attaining such population, may at their discretion provide and equip a public morgue together with suitable morgue wagon for the conveyance, receipt and proper disposition of the bodies of all deceased persons not claimed by relatives, and of all dead bodies which are by law subject to a post mortem or coroner's inquest: *Provided, however*, That only one public morgue may be established in any county.

Authority
to provide
public
morgue.

SEC. 2. Such morgue shall be under the control and management of the coroner who shall have power with the advice and consent of the county commissioners, to employ the necessary deputies and employees; and, with the

Coroner to
control
morgue.

advice and consent of the county commissioners, to fix their salaries and compensation, which, together with the expenses of operating such morgue, shall be paid monthly out of the county treasury.

Dead bodies falling within coroner's jurisdiction.

SEC. 3. The jurisdiction of the bodies of all deceased persons, not claimed by friends or relatives, or who come to their death by reason of violence or unnatural causes, or where there shall exist reasonable grounds for the belief that such death has been caused by unlawful means at the hands of another, and bodies upon which a post mortem or coroner's inquest is to be held, is hereby vested in the county coroner, which bodies may be placed in the morgue, and it shall be his duty, under such rules as shall be adopted by him with the approval of the county commissioners, to provide how such bodies shall be brought to and cared for at said morgue and held for the proper identification where the same is necessary.

Notice to coroner of dead bodies.

SEC. 4. It shall be the duty of every person who knows of the existence and location of a dead body coming under the jurisdiction of the coroner as set forth in section 3, of this act, to notify the coroner thereof in the most expeditious manner possible, unless such person shall have good reason to believe that such notice has already been given. Any person knowing of the existence of such dead body and not having good reason to believe that the coroner has notice thereof and who shall fail to give notice to the coroner as aforesaid, shall be guilty of a misdemeanor.

Penalty for failure to give.

Care of bodies free of charge.

SEC. 5. No charge shall be made for the removal to or care of any body while in the morgue and upon the request of relatives or friends the body after investigation shall be delivered to the friends at any point in the city without charge.

Duplicate lists of deceased's personalty.

SEC. 6. Duplicate lists of all jewelry, moneys, papers, and other personal property of the deceased shall be made immediately upon finding the same by the coroner or his assistants. The original of such lists shall be kept as a

public record at the morgue and the duplicate thereof shall be forthwith duly certified to by the coroner and filed with the county auditor.

SEC. 7. Any person, not authorized by the coroner or his deputies, who removes the body of a deceased person not claimed by a relative or friend, or who came to their death by reason of violence or from unnatural causes or where there shall exist reasonable grounds for the belief that such death has been caused by unlawful means at the hands of another, to any undertaking rooms or elsewhere, or any person who directs, aids or abets such taking, and any person who in any way conceals the body of a deceased person for the purpose of taking the same to any undertaking rooms or elsewhere, shall in each of said cases be guilty of a gross misdemeanor and upon conviction thereof shall be punished by fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year or by both fine and imprisonment in the discretion of the court.

Penalty for removal or concealment of dead bodies.

Passed the Senate January 29, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 91.

[S. B. 134.]

OKANOGAN COUNTY GAME PRESERVE.

AN ACT relating to game animals, creating a game preserve in Okanogan county and providing a penalty.

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

SECTION 1. Every person who shall, within that part of Okanogan county bounded and described as follows: "Beginning at Monument 95 on the international boundary between the United States of America and the Dominion of Canada, thence approximately south one mile to the head of Cathedral creek, thence southerly along said creek

Boundaries of preserve.

to its juncture with Chewach river in approximately unsurveyed section 25, township 40 north, range 21 east, W. M., thence easterly along Chewach river to its juncture with Horseshoe creek in approximately unsurveyed section 34, township 40 north, range 22 east, W. M., thence northeast up Horseshoe creek approximately three and one half miles, thence north approximately two and three-fourths miles to Monument 101 on the international boundary, thence west along said boundary to Monument 95, the place of beginning, containing approximately 27,280 acres," injure, take, kill or destroy, or have in possession, sell or offer for sale, at any season, any mountain goat or mountain sheep, shall be guilty of a gross misdemeanor.

Penalty for taking mountain goats or sheep.

Passed the Senate February 24, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 92.

[S. B. 101.]

EXEMPTION OF SCHOOL DISTRICTS FROM LIABILITY FOR NON-CONTRACTUAL ACTS OR OMISSIONS.

AN ACT relating to actions against school districts.

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

SECTION 1. No action shall be brought or maintained against any school district or its officers for any non-contractual acts or omission of such district, its agents, officers or employees, relating to any park, playground, or field house, athletic apparatus or appliance, or manual training equipment, whether situated in or about any school house or elsewhere, owned, operated or maintained by such school district.

Passed the Senate February 1, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 93.

[S. B. 147.]

LEASE OF HARBOR AREAS ON FRESH WATERS WITHIN
PORT DISTRICTS.

AN ACT providing for the leasing of harbor areas on fresh navigable waters situate within the territorial limits of port districts, and repealing all conflicting statutes, and declaring that this act shall take effect immediately.

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

SECTION 1. The port commission of each port district heretofore created or hereafter to be created under the laws of the State of Washington, shall have full power and authority in the manner hereinafter provided to lease the harbor areas belonging to the State of Washington, on fresh waters situate within such port district to such persons and upon such terms and conditions, as shall conform to the provisions of the constitution of the State of Washington and the provisions of this act. Every such lease shall provide that the rental thereunder shall be payable to the state treasurer.

Authority
to port
commission
to lease.

Rental pay-
able to state
treasurer.

SEC. 2. The owner or owners of any shore land bordering upon any such harbor area, shall have a preference right for the period of time hereinafter mentioned, to lease such harbor area, at an annual rental hereinafter specified. The owner or owners of any such shore lands shall have the exclusive right for a period of six months following the filing of the plat of any such harbor area hereafter to be filed covering harbor area within the limits of any port district, or in case of such plats heretofore filed, then within six months following the taking effect of this act, to file with said port commission a written application for the leasing of such harbor area and to thereafter obtain a lease of such harbor area for a period of thirty (30) years. If such exclusive preference right shall not be exercised by said shore owner within the time aforesaid, then any qualified person, firm or corporation may apply in writing to said port commission for the

Preference
right of
abutting
owner.

Application
for lease
by other
persons.

Notice to
abutting
owner.

Lease to
highest
bidder.

Improve-
ment of
leased area.

right to lease said harbor area; and upon the filing of such application, the said port commission shall forthwith notify the owner of the abutting shoreland of the pendency of said application and said owner shall be allowed sixty (60) days from the date of the service of said notice, within which to exercise a preference right to lease said harbor area for a period of thirty (30) years. If said owner be an actual resident of this state, notice shall be served upon him or it personally, but if he be not a resident of this state, said notice shall be sent to him by registered mail to his or its last known address; and if the address of said non-resident be not known to said port commission, no notice shall be required. In case the abutting shoreland owner shall not exercise the right to lease within said six (6) months period, then the port commission, whenever it shall deem it advisable, may offer for lease any part of such harbor area and shall give sixty (60) days notice by publication that a lease of such part of such harbor area will be sold, at a time and place to be specified in said notice, to the person, association or corporation offering at such public sale to pay the highest sum as a cash bonus for such lease; and in such case the port commission shall serve notice of such intended sale upon the abutting shoreland owner for sixty (60) days, as above set forth, during which time said shoreland owner shall have the right to exercise said preference rights to lease on the terms aforesaid. If the abutting owner shall not have exercised his or its preference right to lease prior to the time of sale, such lease shall be sold and made and delivered accordingly, the payment of the sum offered by the successful bidder being required at the time of such sale. Every lease obtained by virtue of the exercise of any such exclusive or preference right shall conform to the provisions of the state constitution and shall provide that the harbor area described therein or such a reasonable portion thereof as shall be designated by the port commission of such port district, having in view the requirements of the business proposed to be car-

ried on thereon, shall be improved upon plans approved by such commission, the construction of such improvement to be commenced within such time as may be fixed in each case by such port commission, such time to be in no case less than two years from the date of such leases and to be completed within such reasonable time thereafter as such port commission shall fix in each case, any of which time so fixed may be thereafter extended by such commission, the character of which improvements may, with approval of the port commission, be changed either before or after completion but in all cases where the abutting owner or owners claiming under him, had prior to February 22nd, 1913, built upon such area, such improvements shall, so far as otherwise conforming to the provisions of the state constitution be recognized and accepted as a sufficient compliance with the requirements of this act, so far as concerns the area covered thereby, and as to uncovered area such improvements shall be given the same consideration as any other case, and every lease obtained by virtue of any such exclusive or preference right shall further provide that the annual rental to be paid shall be a sum equal to two (2) per cent of the assessed valuation for the year preceding the date of such lease of an equal area of adjoining or abutting shore lands exclusive of improvements thereon, and where the adjoining or abutting strip of shore lands is of less width than the harbor area, a value proportional to such width: *Provided further, however,* That the foregoing provision fixing the rate of rental shall not extend beyond December 21, 1928, but all rentals after that date shall be subject to be controlled and fixed in the manner and by the public authority or authorities then provided by law for the same.

Recognition of improvements prior to 1913.

Annual rental.

SEC. 3. The port commission shall require of every lessee under this act a bond with sufficient surety, to be approved by the port commission, in such penalty, and not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars (\$500.00), as may be prescribed by the port commission, conditioned for the

Bond to secure rental.

payment by the lessee of the rental reserved in his lease at or prior to the time of payment therein specified, during the term of such lease or during such part thereof as the port commission in its discretion shall require to be covered by such bond; and in case only a part of the term of such lease shall be covered thereby, said port commission shall require of such lessee another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, covering the remainder of the term of the lease, or such part thereof as the port commission in its discretion shall require to be covered thereby. The port commission shall have power at any time to summon sureties upon any bond and to examine into the sufficiency thereof, and if it shall find the same to be insufficient it shall require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do, under penalty of cancellation of the lease; and the port commission shall have power upon sixty (60) days' notice to cancel any lease for a substantial breach by the lessee of any of the conditions thereof, or for lack of a bond therewith as herein required. Notwithstanding any such lease now or hereafter existing the state shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage or other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used, and the right to prevent extortion and discrimination in such use thereof.

Cancellation
of leases.

Right re-
served to
regulate
wharfage
rates and
tolls.

Preference
right on
cancellation
of lease.

SEC. 4. The lessee under any lease now existing of harbor area on fresh water situate in a port district, which shall be cancelled or annulled for any reason, shall, upon such cancellation or annulment, have, for ninety (90) days thereafter, a preference right to a new lease, for the remainder of the term of the lease cancelled or annulled, upon the terms and conditions provided in sections two (2) and three (3) of this act; but in all cases where any cancelled or annulled lease contained provisions relating to

the right of the state to annul or cancel the same, like provision shall be incorporated in any new lease covering in whole or in part of the same area.

SEC. 5. The application for or the making or acceptance of any lease authorized by this act shall not work any estoppel against either party thereto or against those in privity with either party as to any claim or right which might otherwise be made or contested.

Act of leasing not to work any estoppel.

SEC. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed but no lease of harbor area heretofore executed shall be invalidated hereby.

Repealing clause.

SEC. 7. This act is necessary for the immediate preservation of the public peace and safety and the support of the state government, and shall take effect immediately.

Emergency.

Passed the Senate February 16, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 94.

[S. B. 142.]

COMPENSATION OF SUPERIOR COURT BAILIFFS.

AN ACT to amend section 8983 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to salaries of court bailiffs.

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

SECTION 1. That section 8983 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8983. Bailiffs of the several superior courts in counties having a population of more than one hundred thousand in this state, appointed by the respective judges thereof, shall be paid for their services one hundred dollars (\$100.00) per month by the county in which the court is held, with no allowance for overtime. Bailiffs

Salary in counties of over 100,000.

Per diem
in other
counties.

of the superior courts in the other counties of this state, appointed by the respective judges thereof, shall be paid for their services not to exceed three dollars (\$3.00) per day by the county in which the court is held.

Passed the Senate February 22, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 95.

[S. B. 47.]

LEVY OF MILLAGE TAX FOR HIGHER EDUCATION.

AN ACT relating to the state institutions of higher education, making provisions for the annual levy of a tax to produce revenue therefor and amending section 5049-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Levies
authorized.

SECTION 1. The state board of equalization shall, beginning the fiscal year 1917, and annually thereafter, at the time of levying taxes for state purposes, levy upon all property subject to taxation, a tax of seventy-four one hundredths ($74/100$) of one mill for the state university fund; forty five one hundredths ($45/100$) of one mill for the state college fund; fifteen and one-fifth ($15-1/5/100$) of one mill for the Bellingham normal school fund; thirteen one hundredths ($13/100$) of one mill for the Cheney normal school fund; and ten and four-fifths one hundredths ($10-4/5/100$) of one mill for the Ellensburg normal school fund.

Readjust-
ment in
year 1921.

It shall be the duty of the joint board of higher curricula in the report to be made next preceding the convening of the legislature in 1921 to recommend any changes in levy herein provided for which the said board may deem necessary or proper, and to give their specific grounds and reasons therefor, for the purpose of having

the levy herein provided for readjusted by the legislature of 1921.

Passed the Senate February 26, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 12, 1917.

CHAPTER 96.

[H. B. 95.]

DAMAGE CLAIMS AGAINST CITIES OF FIRST CLASS FOR INJURIES TO PERSON OR PROPERTY.

AN ACT relating to claims for damages against cities of the first class, and amending section 7996 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7996 of Rem. & Bal. Code be amended to read as follows:

Section 7996. Nothing in this act shall be construed as in anywise modifying, limiting or repealing any valid provision of the charter of any such city relating to such claims for damages, but the provisions of this act shall be in addition to such charter provisions, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions: *Provided*, That if the claimant shall be incapacitated from verifying and filing his claim for damages within the time prescribed by charter, or if the claimant be a minor, or in case the claim is for damages to real or personal property, and if the owner of such property is a non-resident of such city or is absent therefrom during the time within which a claim for damages to said property is required to be filed, then the claim may be verified and presented on behalf of said claimant by any relative or attorney or agent representing the injured person, or in case of damages to property, representing the owner thereof, and no action for damages now pending or hereafter brought shall be defeated by the failure of the person to verify or file the claim in person

Cumulative with charter provisions.

Filing and verification of claims by relatives or agents.

if action be brought within three years after the taking effect of this act where a claim has heretofore been verified and filed within the time and in compliance with the terms of this act if said claim has been rejected.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 97.

[H. B. 137.]

CLASSIFICATION OF CERTAIN COUNTIES FOR JUDICIAL DISTRICT PURPOSES.

AN ACT relating to superior courts and the formation of judicial districts in the counties of Jefferson, Island, Clallam, Snohomish, Whatcom, San Juan, and Skagit.

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

SECTION 1. The counties of Jefferson and Clallam shall constitute one judicial district, and be entitled to one superior judge, and the superior judge heretofore elected in and for the counties of Jefferson, Island, and Clallam, shall, for the remainder of his term, be superior judge in and for the counties of Jefferson and Clallam.

Jefferson
and Clallam
counties one
judicial
district.

SEC. 2. The counties of Snohomish and Island shall constitute one judicial district, and be entitled to two superior judges, and the superior judges heretofore elected in and for the county of Snohomish shall, for the remainder of their terms, be superior judges in and for the counties of Snohomish and Island.

Snohomish
and Island
counties one
judicial
district.

SEC. 3. At the general election in November, 1920, there shall be elected one judge of the superior court for the judicial district composed of Jefferson and Clallam counties, and two judges of the superior court for the judicial district composed of Snohomish and Island counties, who shall hold their respective offices for the term of four years and until their successors are elected and

Election of
judges for
such
districts.

qualified, and every four years thereafter there shall be elected at the general election one judge for the judicial district composed of Jefferson and Clallam counties and two judges for the judicial district composed of Snohomish and Island counties, whose terms of office shall be four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified.

SEC. 4. The counties of Whatcom and San Juan shall constitute one judicial district and be entitled to two superior judges and the superior judges heretofore elected in and for the county of Whatcom shall be the superior judges for said counties of Whatcom and San Juan.

Whatcom
and San
Juan coun-
ties one judi-
cial district.

SEC. 5. The county of Skagit shall constitute one judicial district and be entitled to one superior judge and the superior judge heretofore elected in and for the counties of Skagit and San Juan shall be the superior judge for Skagit county.

Skagit
county to
constitute
one district.

Passed the House February 15, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 98.

[H. B. 227.]

DEFINING CRIME OF ADULTERY.

AN ACT relating to crimes and punishments, defining the crime of adultery, providing for a single standard of morals in certain cases, and amending section 2457 of Remington & Balinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 2457 of Rem. & Bal. Code be amended to read as follows:

Section 2457. Whenever any married person shall have sexual intercourse with any person other than his or her lawful spouse, both such persons shall be guilty of adultery and upon conviction thereof shall be punished by

imprisonment in the state penitentiary for not more than two years or by a fine of not more than one thousand dollars: *Provided*, That no prosecution for violation of the provisions of this section shall be commenced except on complaint of the husband or wife made before a committing magistrate, or by filing an affidavit with the prosecuting attorney, nor after one year from the commission of the offense.

Passed the House March 2, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 99.

[H. B. 361.]

PUBLICATION OF ORDINANCES IN FOURTH CLASS TOWNS.

AN ACT relating to the publication of ordinances in fourth class cities or towns, and amending section 7734 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7734 of Rem. & Bal. Code be amended to read as follows:

Section 7734. The enacting clause of all ordinances shall be as follows: "Be it ordained by the council of the town of" Every ordinance shall be signed by the mayor, attested by the clerk, and published at least once in a newspaper published in such town, or in case no newspaper is published in such town, be printed and posted in at least three public places therein.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 100.

[H. B. 142.]

ADVERTISING FOR DIVORCE BUSINESS.

AN ACT relating to crimes and punishments, and prohibiting advertising for divorce business, and amending section 2463, Remington and Ballinger's Code.

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

SECTION 1. That section 2463 of Rem. & Bal. Code be amended to read as follows:

Section 2463. Every person who shall cause to be published in any newspaper, magazine or other publication, or who shall cause or allow to be posted or distributed, in any place frequented by the public, any card or notice offering to procure or obtain, or to directly or indirectly aid in procuring or obtaining any divorce or the dissolution or nullification of any marriage, or offering to appear or act as attorney or counsel in any suit for divorce, alimony, or the dissolution or nullification of any marriage, either in this state or elsewhere, shall be guilty of a misdemeanor. Any advertisement stating or intimating that any person is a specialist in "the laws of husband and wife" or "domestic relations," or is engaged in the business of procuring divorces, shall be considered a violation of this act.

Passed the House February 6, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 101.

[H. B. 23.]

ESTABLISHMENT OF AGRICULTURAL EXPERIMENT STATION IN IRRIGATED SECTION.

AN ACT for the establishment and maintenance of an experiment station in an irrigated district.

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

Regents of
State
College
to establish.

SECTION 1. That the board of regents of the State College of Washington be hereby authorized to establish and maintain a sub-station of the Washington agricultural experiment station in an irrigated district and to conduct investigational work upon the principles and practices of irrigation agriculture including the duty of water and its relation to soil types, crops, climatic conditions, together with ditch and drain construction, fertility investigations and methods of tillage introduction and testing of new and improved crops, the method of combating plant diseases and insect pests, marketing, the handling of fruit by-products, farm management, and such other subjects relative to the development of agriculture under irrigation conditions as may seem to it advisable.

Location.

SEC. 2. The location of said sub-station shall be determined by the board of regents of the State College of Washington solely with a view of rendering the greatest aid to all the irrigated districts of the state.

When to be
established.

SEC. 3. That said station shall be established as soon as funds are available therefor, by special appropriation, gifts or otherwise.

Passed the House February 8, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 102.

[H. B. 193.]

PROVIDING CLERKS, ROOMS, BOOKS AND STATIONERY FOR JUSTICES OF PEACE IN FIRST AND SECOND CLASS CITIES.

AN ACT relating to justices of the peace and constables in cities of the first and second class, and amending section 6547 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6547 of Rem. & Bal. Code be amended to read as follows:

Section 6547. In cities of the first class of 100,000 population, or more, where there are two or more justices of the peace, such justices acting as a board shall have the power to appoint one chief clerk at a salary to be fixed by the board of county commissioners and such assistant clerks as may be found necessary by said justices, not exceeding the number of justices unless authority to appoint additional clerks be obtained from the board of county commissioners, the salaries of said clerks to be designated by the county commissioners, and paid in the same manner and at the same time as said justices. The board of county commissioners may allow justices of the peace in cities of the second class and cities of the first class of less than 100,000 population one clerk, and the board of county commissioners shall furnish for the use of each of the justices provided for in this chapter a suitable office room; and also, they shall furnish to each of the said justices and constables all necessary books, blanks and stationery for conducting the public business of his office; said office room, books, blanks, and stationery to be paid for on the warrant of the auditor out of the general fund of the county.

In first class cities of 100,000 population.

In first class cities of less than 100,000, and second class cities.

Passed the House March 3, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 103.

[H. B. 100.]

AUTHORIZING JOINT OR SEPARATE JAILS AND WORKHOUSES FOR CITIES AND COUNTIES.

AN ACT relating to city, town and county jails, workhouses, workshops, stockades and other places for the detention, confinement and employment of county, city and town prisoners, and authorizing the joint ownership, control and operation of said institutions, or any of same and for the care, keep, custody and employment of persons under sentence confined therein, relating to the duties of county sheriffs, and other peace officers.

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

City and town jails, workhouses and stockades.

SECTION 1. Cities and towns shall have authority to acquire, build, operate and maintain jails, workhouses, workshops, stockades and other places of detention and confinement at any place within the territorial limits of the county in which such city or town is situated, as may be selected by the legislative authority of such municipality.

County jails, etc.

SEC. 2. Counties shall have authority to acquire, build, operate and maintain jails, workhouses, workshops, stockades, and other places of detention and confinement at any place within the limits of such county as may be designated by the county commissioners thereof.

Contracts between city and county for joint jails, etc.

SEC. 3. Any city or town shall have authority to contract with the county in which such city or town may be located, and such county shall have authority to contract with any such city or town for the joint acquirement, erection, ownership, control and maintenance of any jail, workhouse, workshop, stockade, or other place of detention and confinement within the limits of any such county and for the care, keep, custody, control, confinement and employment of the city, town or county prisoners heretofore or hereafter convicted of offenses against the laws of the state or of the ordinances of such city or town punishable by fine or by confinement in any such county, city or town jail, in any jail, workhouse, workshop, stock-

ade or other place of detention and confinement so provided by such county, city or town, or which may be so jointly provided by such county, city or town. The legislative authority of any city or town and the county commissioners of any county shall have authority to employ persons so convicted and under sentence upon such public works as may be designated by such county, city or town, or by any contract between same as in this act authorized.

Employment of inmates on public work.

SEC. 4. When such contract shall have been entered into by and between any city or town and county for the joint acquirement, ownership, control and maintenance of any jail, or for the care, keep, custody, control, confinement and employment of any such persons in any jail, workhouse, workshop, stockade, or other place of detention and confinement, the legislative authority of any such city or town and the board of county commissioners of any such county shall have authority acting under and by virtue of any sentence imposed by any court upon any person so convicted to provide for the care, keep, and custody of any such person in any such place of confinement so provided, and to further provide for the employment of such person or persons at or upon such public work as may be designated from time to time by such authority.

City and county authority and powers under joint contract.

SEC. 5. No person now or hereafter accused of an offense shall before conviction be put to any employment while confined in any place of detention herein specified.

Working accused prior to conviction prohibited.

SEC. 6. It shall be the duty of all county sheriffs or other officials having charge of jails to receive and keep in such jail, where room therefor is available, all prisoners committed thereto by process or order issued under the authority of the United States until discharged according to law, the same as if such prisoners had been committed under process issued under authority of the State of Washington, provisions being made by the United States for the support of said prisoners, and any extra guards or attendants required.

Duty to receive prisoners committed by United States.

Repealing
clause.

SEC. 7. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House February 26, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 104.

[H. B. 291.]

AUTHORIZING DIKING, DRAINAGE AND COMMERCIAL WATERWAY DISTRICTS TO RENT OUT EQUIPMENT.

AN ACT authorizing the commissioners of any diking, drainage or commercial waterway district to rent equipment for hire.

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

SECTION 1. The commissioners of any diking, drainage or commercial waterway district organized under the laws of this state, shall have power and authority to rent any machinery, tools or equipment belonging to such district, to any individual or corporation for hire under such conditions regarding the care and maintenance thereof as the commissioners may determine; and all sums of money received for the rent thereof shall be paid into the county treasury, to the credit of the district.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 105.

[S. B. 63.]

PROTECTION AGAINST FOREST FIRES AND AGAINST DANGEROUS FOREST CONDITIONS DECLARED PUBLIC NUISANCES.

AN ACT relating to the forests of the state; requiring owners of forest land to provide patrol therefor, declaring certain dangerous forest conditions to be public nuisances and providing for their abatement, providing for the creation of official fire districts and for the co-operation of the state with other agencies in protecting such districts, prescribing methods for assessing and collecting the costs incurred in carrying out the provisions thereof, and prescribing the procedure for serving notices required thereby and by other forests laws of the state.

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

SECTION 1. Every owner of forest land in the State of Washington shall furnish or provide therefor, during the season of the year when there is danger of forest fires, adequate protection against the spread of fire thereon or therefrom which shall meet with the approval of the state board of forest commissioners: *Provided, however,* That for the purposes of this section forest land shall be deemed to be adequately protected if within one mile of the owner's permanent residence or if the owner shall furnish patrol and protection therefor equal in standard, efficiency and seasonal duration to that of those who are in good faith maintaining organized patrol and protection of their lands against fire with the approval of the state board of forest commissioners: *Provided further,* That for the purposes of this section forest lands, lying in counties east of the summit of the Cascade mountains, shall be deemed to be adequately protected where patrol is furnished by the United States forest service of a standard and efficiency and seasonal duration, deemed by the state board of forest commissioners to be sufficient for the proper protection of the forest land of such counties.

Forest land owners to protect against fires.

What deemed adequate protection.

Provision for lands east of Cascade mountains.

SEC. 2. If any owner or owners of forest land shall neglect or fail to provide adequate fire protection therefor

Protection provided by state forester.

as required by section one of this act, then the state forester, under direction from the state board of forest commissioners, shall provide such protection therefor at a cost not to exceed five (5) cents an acre per annum. Any amounts paid or contracted to be paid by the state forester for this purpose shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October first of the year in which they were incurred, on which date the state forester shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the state forester to the county assessors of the county or counties in which the property is situated who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and in the same manner that the next taxes on the same property are collected. The procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and upon collection thereof the county officials shall repay said amounts to the state forester to be applied to the expenses incurred in carrying out the provisions of this section.

Cost of protection to be extended on county tax rolls.

SEC. 3. Any fire on any forest land in the State of Washington burning uncontrolled and without proper precaution being taken to prevent its spread is hereby declared a public nuisance by reason of its menace to life or property. Any person, firm or corporation responsible for either the starting or the existence of such fire is hereby required to control or extinguish it immediately, without awaiting instructions from a forest officer, and if said responsible person, firm or corporation shall refuse, neglect or fail to do so, the state forester, or any fire warden or forest ranger acting with his authority, may summarily abate the nuisance thus constituted by controlling or extinguishing the fire and the cost thereof may be recovered from said responsible person, firm or corporation by action for debt and, if the work is performed

Uncontrolled forest fire a public nuisance.

Expense of abatement recoverable against offender.

on the property of the offender, shall also constitute a lien upon said property. Such lien may be filed by the state forester in the office of the county auditor and foreclosed in the manner provided by law for the foreclosure of liens for labor and material. It shall be the duty of the prosecuting attorney for the county to bring such action for debt, or to foreclose such lien, upon the request of the state forester.

Lien on Offender's property.

SEC. 4. Any and all cut-over land or slashings in the State of Washington covered wholly or in part by inflammable debris and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property is hereby declared a public nuisance, and whenever the state forester shall determine and give written notice that such nuisance exists its abatement is hereby required of the owners so notified, or of the notified person or agency responsible for its existence if such be not the owner, by the burning or other removal of said debris under the state forester's direction at such time and in such manner and with such provision of help as he shall deem necessary to public safety. If the person, firm or corporation responsible for the existence of any such nuisance shall refuse, neglect or fail to abate it after notice by the state forester, the latter may cause it to be abated, and the cost thereof, and of any patrol or fire-fighting made necessary by the delay, shall be a lien upon the property upon which the nuisance was abated and may be recovered as provided for the recovery of costs in section 3 of this act: *Provided*, That slashings, made in accordance with the rules and regulations prescribed by the state board of forest commissioners, shall not be declared a nuisance.

When cut-over land or slashings constitute public nuisance.

Notice to abate.

Cost of abatement by forester declared lien on property.

SEC. 5. When any responsible protective agency or agencies composed of timber owners other than the state shall agree to undertake systematic forest protection in co-operation therewith and such co-operation shall appear more advantageous to the state than the maintenance of the independent system provided elsewhere by law, the

Co-operative protection by timber owners recognized.

state forester may, with the approval of the state board of forest commissioners, designate suitable areas to be official co-operative districts and substitute thereto whenever necessary, in place of the county wardens elsewhere provided by law, such district wardens, with such district headquarters and duties, as may be agreed upon by him and by the co-operating agencies to render such co-operation most effective. He may also co-operate in the compensation of such wardens, or in the payment of other expenses for the prevention and control of fire in such official fire districts, to such extent as the board of forest commissioners may deem equitable on behalf of the state, and claim for such payments shall be approved and paid in the manner prescribed for claims outside such co-operative districts.

What
constitutes
forest land.

SEC. 6. For the purposes of this act any land shall be considered forest land which has enough timber, standing or down, or inflammable debris, to constitute in the judgment of the state board of forest commissioners a fire menace to life or property.

Sufficiency
of service
of notices.

SEC. 7. Any notice required by this or other acts to be served by a forest officer shall be sufficient if a written or printed copy thereof is delivered, mailed or telegraphed by a forest officer to the person to receive notice or to his responsible agent, or, in case the name or address of such person or agent is unknown to the officers and cannot be obtained by reasonable diligence, by posting such copy in a conspicuous place upon the premises concerned by this notice.

Passed the Senate February 8, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 106.

[S. B. 122.]

GROUNDS FOR DIVORCE.

AN ACT to amend section 982 of Remington & Ballinger's Annotated Codes and Statutes of Washington, relating to divorce and alimony.

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

SECTION 1. That section 982 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 982. Divorces may be granted by the superior court on application of the party injured, for the following causes:

1. When the consent to the marriage of the party applying for the divorce was obtained by force or fraud, and there has been no subsequent voluntary cohabitation.

2. For adultery on the part of the wife or of the husband, when unforgiven, and the application is made within one year after it shall have come to the knowledge of the party applying for a divorce.

3. Impotency.

4. Abandonment for one year.

5. Cruel treatment of either party by the other, or personal indignities rendering life burdensome.

6. Habitual drunkenness of either party, or the neglect or refusal of the husband to make suitable provisions for his family.

7. The imprisonment of either party in a state penal institution if complaint is filed during the term of such imprisonment; and a divorce may be granted upon application of either party for any other cause deemed by the court sufficient, and the court shall be satisfied that the parties can no longer live together.

8. Where the parties are estranged and have lived separate and apart for eight years or more and the court shall be satisfied that the parties can no longer live together.

9. In case of incurable chronic mania or dementia of either party, having existed for ten years or more, the court may, at its discretion, grant a divorce.

Passed the Senate March 2, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 107.

[H. B. 66.]

MILITARY CODE.

AN ACT relating to the militia, defining certain offenses and prescribing certain penalties, repealing Chapter 102 of the Laws of 1911, amending certain sections and repealing certain sections of the military code of the State of Washington, and declaring an emergency.

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

SECTION 1. The militia of the State of Washington shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard of Washington, the Naval Militia of Washington, and the Unorganized Militia. The National Guard and Naval Militia of Washington shall be known collectively as the Organized Militia of Washington.

SEC. 2. The militia of the state not in the service of the United States shall be governed and its affairs administered pursuant to law by the Governor, as commander-in-Chief, through The Adjutant General's Department, which shall consist of The Adjutant General as its executive head, and such other officers and such enlisted men and civilian employees as the Governor shall from time to

Classes of
militia.

Governing
officers.

time prescribe. The salary of The Adjutant General shall be Three Thousand Dollars per year.

Salary of
adjutant.

SEC. 3. The Organized Militia of Washington shall consist of the commissioned officers, warrant officers, enlisted men, organizations, staffs, corps and departments of the regularly commissioned, warranted and enlisted militia of the state, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms, equipment, training and discipline shall be prescribed by the Governor in conformity with the laws and regulations of the United States and the laws of this state. In the absence of any federal law or regulation to the contrary, its minimum enlisted strength shall be fifteen hundred and it shall include at all times The Adjutant General's Department, at least one regiment of infantry, at least eight companies of coast artillery, at least two hundred naval militia, and at least one troop of cavalry. The Governor may authorize and cause to be organized from time to time within the Organized Militia of Washington, such additional staffs, corps, departments, branches, arms and organizations as he shall deem necessary, and he shall have power at will to alter, divide, consolidate, disband, muster out or reorganize any staff, corps, department, branch, arm or tactical or administrative subdivision either now existing or hereafter created within the Organized Militia of Washington, subject to the limitations imposed by the laws and regulations of the United States and the laws of this state.

Composition
of organized
militia.

Minimum
strength.

Power to
organize or
disband.

SEC. 4. The duty of maintaining and governing the Organized Militia not in the service of the United States rests upon the states respectively, subject to the constitutional authority of congress, but the prime object of the force is the national defense. Its efficiency as an agent for national defense necessarily depends upon systematic uniformity in the organization, composition, arms, equipment, training and discipline of its component parts. Its attainment of such uniformity and efficiency requires on the part of each state a rigid adherence to federal laws

Conformity
to federal
laws.

and regulations relating to the militia. Therefore, the Governor shall cause the Organized Militia of this state always to conform to all such federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this state to the contrary. The Organized Militia of Washington or any part thereof shall be subject to call for United States service at such times, in such manner, and in such numbers as may from time to time be prescribed by the United States.

Subject to call of United States.

SEC. 5. The National Guard of Washington shall consist of the commissioned officers, enlisted men, staffs, corps, departments, and organizations of the Organized Militia of Washington regularly organized and maintained pursuant to law for land service, and the Naval Militia of Washington shall consist of the commissioned officers, warrant officers, enlisted men, staffs, corps, departments and organizations of the Organized Militia of Washington regularly organized and maintained for naval service.

National Guard.

Naval Militia.

SEC. 6. That Section 7181 of Remington and Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7181. Whenever the Governor shall desire the attendance of a personal staff upon any ceremonial occasion, he shall detail therefor such officers as he may choose from the active list of the Organized Militia of Washington, resident in or nearest to the place where such ceremonies are to be held, and the officers detailed shall attend in uniform at the time and place designated and shall constitute the personal staff of the Governor for that occasion, reverting upon completion of such duty to their regular assignments.

Personal staff for governor.

SEC. 7. That Section 7182 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7182. In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together

Causes for ordering militia into service by governor.

by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrence of any of said events, or in event of public disaster the Governor shall have power to order the Organized Militia of Washington or any part thereof into the active service of the state, and to cause them to perform such duty as he shall deem proper. The Governor shall also have power to order out the Organized Militia or any part thereof to preserve order and keep people within bounds at any large public assemblage: *Provided*, That such action shall be taken only upon written request of the mayor of the city and the sheriff of the county within which said assemblage is to occur.

SEC. 8. That Section 7183 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7183. In event of insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, occurring in the vicinity of the station of any organization or organizations of the Organized Militia of Washington, whenever the exigencies of the situation are such as to render it impracticable first to communicate with the Governor, the senior commanding officer of that station, upon request in writing signed by a superior court judge, sheriff or mayor, stating the facts and the nature of the service desired, may order out the organization or organizations at that station, or such portion thereof as he shall deem necessary, and cause them to perform such duty as the circumstances shall require, and such commanding officer shall immediately report what he has done and all of the circumstances of the case to the Governor.

When commanding officer of station may call to service.

SEC. 9. That Section 7184 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7184. In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resist-

Calling out unorganized militia.

ance to law or process or breach of the peace, if the Governor shall have ordered into active service all of the available forces of the Organized Militia of Washington and shall consider them insufficient in numbers to properly accomplish the purpose, he may then in addition order out the Unorganized Militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

Failure to respond on order for service.

SEC. 10. Every member of the militia who shall have been ordered out for either state or federal service under the provisions of Section 7, 8 or 9 of this act, and who shall refuse or wilfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer shall be deemed guilty of desertion, and shall suffer such penalty as a general court-martial may direct, unless he shall produce a sworn certificate from a licensed physician of good standing that he was physically unable to appear at the time and place designated: *Provided*, That any person chargeable with desertion under this section may be taken by force and compelled to serve.

SEC. 11. That Section 7194 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Chief of staff.

Section 7194. The Adjutant General shall be *ex-officio* chief of staff. He shall hold office until his successor is detailed and qualified. He shall appoint the civilian employees of his department and may remove any of them in his discretion.

Expenses of adjutant's department.

The expenses of The Adjutant General's Department, necessary to the military service, shall be audited, allowed and paid as other military expenditures are audited, allowed and paid. Before entering upon his official duties, The Adjutant General must execute an official bond running to the State of Washington in the penal sum of twenty thousand (\$20,000.00) dollars conditioned upon the faithful performance of his duties, said bond to be submitted to the Attorney General for approval, and when

Bond of adjutant general.

approved to be filed in the office of the Secretary of State, the cost of said bond to be paid from the military fund of the state. The Adjutant General shall obtain and pay for, from the military fund, a surety company bond or bonds running to the State of Washington covering all of the officers of the Organized Militia of Washington responsible to the state for money or military property, such bond or bonds to be approved and filed in the same manner as the Adjutant General's bond.

1. The Adjutant General shall keep rosters of all active, reserve and retired officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and shall submit to the Governor during October of each even numbered year a printed biennial report of the operations and conditions of the Organized Militia of Washington.

Rosters and
biennial
reports.

2. On the first day of January, of each year, he shall make a statement of the condition of the military fund, showing the amount thereof and setting forth in detail all receipts from whatsoever source and all expenditures of whatsoever nature and the unexpended balance thereof. A copy of said statement shall be furnished to each commissioned officer of the active list.

Annual
statement of
condition of
military
fund.

3. He shall cause the military law, the regulations of the Organized Militia of Washington and such other military publications as may be necessary for the military service to be printed, indexed and bound at the expense of the state and distributed to the commissioned officers of the Organized Militia of Washington.

Publication
of militia
laws and
regulations.

4. He shall keep and preserve the books, arms, accoutrements, ammunition and other military property belonging to the state, not properly issued.

Other duties.

5. He shall keep just and true accounts of all monies received and disbursed by him.

6. He shall attest all commissions issued to military officers of this state.

Militia reports.

7. He shall make out and transmit all militia reports, returns and communications prescribed by acts of congress or by direction of the War or Navy Department.

Seal of office.

8. He shall have a seal, and all copies, orders, records and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of The Adjutant General shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with said seal.

Regulations as to reports and care of property.

9. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

Arms and equipment.

10. He shall attend to the care, preservation, safe-keeping and repairing of the arms, ordnance, accoutrements, equipment and all other military property belonging to the state, or issued to the state by the government of the United States for Military purposes, and keep accurate accounts thereof. All military property of the state, which after proper inspection, shall be found unsuitable for use of the state shall be disposed of in such manner as the Governor shall direct and the proceeds thereof paid into the military fund of the state.

Purchase and issuance of military property.

11. He shall issue such military property as the necessity of the service requires and make purchases for that purpose. No military property shall be issued or loaned except upon an emergency to persons or organizations other than those belonging to the Organized Militia of Washington except to such portions of the Unorganized militia as may be called out by the Governor.

Reports of troops to be kept on file.

12. He shall keep on file in his office the reports and returns of troops and heads of military departments, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the state militia.

13. He shall keep all records of Washington volunteers commissioned or enlisted for the war of the rebellion, Indian wars, Spanish-American war, and all other wars or insurrections, and of individual claims of citizens of Washington for service rendered in these wars or insurrections.

War records
and claims.

14. He shall establish and maintain as part of his office a bureau of records of the services of the Washington troops during said wars, and he shall be the custodian of all records, relics, trophies, colors and histories relating to such wars now in possession of, or which may be acquired by the State of Washington, and such records, relics, trophies, colors and histories shall be catalogued and arranged or filed for general reference or protection in the office of The Adjutant General.

Custodian
of records
and trophies.

SEC. 12. All commissioned and warrant officers of the organized militia of Washington shall be appointed and commissioned or warranted by the Governor. No person shall be so appointed and commissioned or warranted unless he shall be a citizen of the United States and of this state more than twenty-one years of age. Every commissioned and warrant officer shall hold office under his commission or warrant until he shall have been regularly appointed and commissioned or warranted to another grade or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

Appoint-
ment of com-
missioned
and warrant
officers.

SEC. 13. No person shall be appointed and commissioned or warranted to any office in the organized militia of Washington unless he shall have been examined and adjudged qualified therefor by an examining board whose report shall have been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be as prescribed by the laws or regulations of the United States or those of this state. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the

Examination
prior to ap-
pointment.

authority appointing the board of its report to that effect such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct.

Examination of naval militia officers.

Any officer of the naval militia of Washington who holds either a probationary or a permanent commission therein and who has not been certified as fully qualified for his grade after examination under United States authority may be retained as an officer and required to take the next succeeding United States examination for his grade. If he is not certified after such second examination he shall be immediately retired, placed in reserve or honorably discharged, as the Governor may direct.

Probationary period for naval militia officers.

Every appointment of any person as a commissioned or warrant officer in the naval militia of Washington shall be probationary and revocable by the Governor at will for the period of one year next after such appointment and at the expiration of such period shall be revoked or made permanent by the Governor: *Provided*, That if the appointee shall have qualified in compliance with United States law or regulations during said probationary period, his commission or warrant shall, upon such qualification, be no longer probationary or revocable in that grade.

Filling vacancy in adjutant's office.

SEC. 14. Whenever a vacancy shall have occurred or shall be about to occur in the office of The Adjutant General of this state, the Governor shall detail for that position from the active list of the organized militia of Washington some officer not below the grade of captain of the National Guard or senior lieutenant of the naval militia, who shall have had at least three years' service as an officer on the active list of the organized militia of Washington continuously next prior to such detail, and the officer so detailed shall be subject to relief therefrom by the Governor at will, and shall during the continuance of his service as The Adjutant General hold the rank and grade of brigadier general.

Filling vacancies in commissioned grades.

SEC. 15. Vacancies in commissioned grades in administrative staff, corps and departments shall be filled by detail or by appointment and commission as the governor

shall have prescribed in regulations conforming as nearly as practicable with federal laws and regulations governing the filling of similar vacancies in the federal service: *Provided*, That no officer shall be detailed or appointed and commissioned to any such staff, corps or department without his written consent. The detail of an officer to a staff, corps or department shall not affect his grade, relative seniority, or right to promotion in the branch or arm of the service from which he shall have been so detailed, and whenever during the continuance of such detail a vacancy shall occur in the branch or arm of the service from which such officer shall have been detailed for which vacancy he would have been eligible in the absence of such detail, he shall upon the termination of such detail and passing the required examination be appointed and commissioned to the grade of such vacancy with rank from the date of the occurrence thereof. When an officer shall be relieved from detail as the Adjutant General or from detail with any staff, corps or department he shall be returned to the branch or arm of the service from which he was detailed and shall be assigned to fill the next vacancy therein of his rank and grade, and if there be no vacancy immediately available he shall be carried in the meantime upon the active list as "Unassigned."

Detail to staff not to affect grade.

Position of officers relieved from detail.

SEC. 16. Staff officer of the National Guard of Washington, including officers of the Pay, Inspection, Subsistence and Medical Departments, hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the militia of this state. This section shall cease to be effective whenever its provisions shall not be required by federal law as a condition to participation by the state in federal appropriations.

Tenure of staff officers.

Competitive
examina-
tions for
junior office
commissions.

SEC. 17. Whenever a vacancy shall have occurred in the junior commissioned office of any company or similar unit of the national guard of Washington, the person to be appointed and commissioned to fill such vacancy shall be selected by competitive examination in which all enlisted men of the branch or arm of the service wherein such vacancy shall have occurred, on duty at the station where it shall have occurred, shall be eligible to participate. Whenever a vacancy shall have occurred in the junior commissioned office in a division or marine company of the naval militia of Washington, such vacancy shall be filled by competitive examination in which all warrant officers and enlisted men on duty at the station where it shall have occurred, who shall have been designated as so qualified as to be eligible to receive compensation from the United States for services during periods other than those for which they may become lawfully entitled to the same pay as a person belonging to the United States Navy or Marine Corps of corresponding grade and length of service, shall be eligible to participate: *Provided*, That whenever the United States shall not have a standard of qualification for the compensation aforesaid, all such warrant officers and enlisted men shall be eligible.

Vacancies in
commiss-
ioned
office other
than junior.

SEC. 18. Whenever a vacancy shall have occurred in any commissioned office of a company or similar unit of the organized militia of Washington other than the junior commissioned office thereof, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service resident at the station of said company or similar unit, or by the promotion of the senior officer of the next lower grade of the same branch or arm of the service resident at that station.

Filling
vacancies in
commiss-
ioned staff.

SEC. 19. Whenever a vacancy shall have occurred in the commissioned staff of any regiment, battalion, squadron, coast defense command, fort command, or similar unit of the organized militia of Washington, the same shall be filled by the assignment thereto of an officer of the same grade and branch or arm of the service, or by the pro-

motion of the senior officer of the next lower grade of the same unit.

SEC. 20. Whenever a vacancy shall have occurred in the grade of major in the line of the National Guard of Washington, the same shall be filled as follows:

Vacancies
in grade of
major.

1. In any battalion, squadron, fort command or similar unit whose elements are all at one station, by the assignment of the senior major of the line of the same branch or arm of the service resident at that station who shall have no command wholly located within said station, or, if there be no such major, by the promotion of the senior captain of the same branch or arm of the service resident at said station.

2. In any battalion, squadron, fort command or similar unit whose elements are not all at one station, by the promotion of the senior among the captains of the same branch or arm of the service resident at the various stations of such command.

SEC. 21. Whenever a vacancy shall have occurred in the grade of colonel or lieutenant colonel in any regiment, coast defense command or similar unit of the National Guard of Washington, it shall be filled by promotion of the next senior officer of such command, except in those cases where the law provides for the assignment thereto of officers relieved from detail with staff corps and departments.

Vacancy in
grade of
colonel or
lieutenant
colonel.

SEC. 22. Whenever a vacancy shall have occurred in the grade of brigadier general of the line of the National Guard of Washington, it shall be filled by the promotion of an officer of the line of the National Guard of Washington of the next lower grade of the same branch or arm of the service.

Vacancy in
grade of
brigadier
general.

SEC. 23. Whenever a vacancy shall have occurred in any commissioned grade, other than the lowest commissioned grade, of any regiment, coast defense command, separate battalion or squadron, separate fort command, separate company or similar separate unit of the Na-

Filling
vacancies
while in U.
S. service.

tional Guard of Washington while in the service of the United States, such vacancy shall be filled by the promotion of the senior officer of the next lower grade on duty with such command who shall not in writing have waived such promotion. Every vacancy in the lowest commissioned grade in any such command while in such service shall be filled by the promotion of an enlisted man of such command upon the written recommendation of its commanding officer: *Provided*, That any vacancy in any such command while in such service in any commissioned grade below that of major may be filled, upon the written recommendation of the commanding officer of such command, by the transfer, assignment or appointment of any officer of the National Guard, or National Guard Reserve, of this state.

Promotion
in naval
militia.

SEC. 24. Whenever a vacancy shall have occurred in the senior commissioned office of the Naval Militia of Washington or of a battalion thereof, it shall be filled by the promotion or assignment thereto of the senior line officer whether for line duties only or for engineering duties only.

Waiver of
promotion.

SEC. 25. Any officer of the Organized Militia of Washington may, in writing, waive his right to any promotion to which his seniority shall entitle him, in which event the next senior officer who shall not in writing have waived such promotion shall be entitled thereto.

Failure to
take oath or
file bond.

SEC. 26. Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, he shall be considered to have resigned such office and a new appointment may be made as provided by law.

Oath of
office.

SEC. 27. The oath of office for commissioned and warrant officers in the Organized Militia of Washington shall be substantially as follows: "I,, do solemnly swear that I will support and defend the Consti-

tution of the United States and the Constitution of the State of Washington, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Washington; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of in the National Guard of the United States and of the State of Washington (or in the Naval Militia of Washington) upon which I am about to enter, so help me God.”

SEC. 28. That Section 7206 of Remington & Ballinger’s Annotated Codes and Statutes of Washington be, and the same is hereby amended to read as follows:

Section 7206. The Governor may dismiss any commissioned or warrant officer of the Organized Militia of Washington for any of the following reasons:

Dismissal of officers.

- (1) Conviction of an infamous crime.
- (2) Absence from his command for more than thirty days without proper leave.
- (3) Sentence of dismissal by court-martial, duly approved.

And the Governor may discharge any commissioned or warrant officer of the Organized Militia of Washington for any of the following reasons:

Discharge of officers.

- (1) Upon muster out of the organization to which such officer is then assigned.
- (2) Acceptance of resignation of such officer: *Provided*, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all state and federal monies, and military property for which he shall be accountable or responsible.
- (3) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.

(4) Incompetence or unfitness for military service as determined by the duly approved findings of an efficiency board appointed for that purpose.

SEC. 29. The National Guard Reserve and Naval Militia Reserve of this state shall respectively be organized by the Governor in regulations conforming with the laws, rules and regulations of the United States. It shall consist of such organizations, officers and enlisted men as the Governor shall prescribe. No commissioned officer shall be transferred or furloughed to the National Guard Reserve without his written consent, except as otherwise expressly provided by law. The Officers Reserve Corps is abolished and the officers thereof are hereby transferred to the National Guard Reserve and the Naval Militia Reserve. Officers of the retired list of the Organized Militia of Washington may be transferred to the National Guard Reserve or the Naval Militia Reserve under such regulations as the Governor may prescribe. Any officer of the National Guard Reserve or Naval Militia Reserve may be restored to the active list by order of the Governor, subject to the same examination as in the case of an original appointment to his grade, and in such event his service in reserve shall not be counted in computing total length of service for relative seniority.

SEC. 30. Hereafter the period of enlistment in the National Guard of Washington shall be for six years; the first three years of which shall be in an active organization, and the remaining three years in the National Guard Reserve. The period of enlistment in the Naval Militia of Washington shall be three years. An enlisted man of the Naval Militia who has served honorably for the full term of his enlistment may re-enlist for a term of one, two, or three years, as he may elect. Qualifications for enlistment or re-enlistment and the forms of oaths and contracts of enlistment or re-enlistment shall be as prescribed by the Governor in accordance with federal laws and regulations. In the National Guard, the privilege of continuing in active service during the whole of an enlistment period,

National guard and naval militia reserves.

Officers reserve corps abolished.

Restoration of reserve officers to active list.

Period of enlistment.

Re-enlistments.

Continuance in service.

and of re-enlisting in said service shall not be denied by reason of anything contained in this act. In the Naval Militia enlisted men may continue in service after the age of forty-five years, and until the age of sixty-two years (Naval Branch), or sixty-four years (Marine Corps Branch): *Provided*, The service is continuous. When a man re-enlists in the Organized Militia of Washington within thirty days from the date of the expiration of his prior enlistment, or within thirty days from the date of his discharge, his term of service shall be considered as continuous, and shall be so dated.

SEC. 31. An enlisted man discharged from service in the Organized Militia of Washington shall receive a discharge in writing in such form and of such classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

Discharge
from service.

SEC. 32. That Section 7216 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7216. Every commissioned officer of the Organized Militia of Washington shall within sixty days from the date of the order whereby he shall have been appointed, provide himself at his own expense, with the arms, uniforms and equipments prescribed by the Governor for his rank and assignment.

Arms and
equipment
of commis-
sioned
officers.

There shall be audited and paid annually on the first day of April in each year, to each properly armed, uniformed and equipped officer of the active list of the organized militia of Washington, a uniform allowance of seventy-five (\$75.00) dollars for dismounted officers, and one hundred (\$100.00) dollars for mounted officers.

Uniform
allowance.

SEC. 33. That Section 7218 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7218. All property issued to organizations and members of the Organized Militia of Washington shall be and remain public property.

Militia
property re-
mains public.

SEC. 34. That Section 7220 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Exemptions
of uniforms
and equip-
ment.

Section 7220. The military uniforms, arms, equipment and mounts of members of the Organized Militia of Washington shall be exempt from execution and taxation.

SEC. 35. That Section 7222 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Bond of
military
auditors.

Section 7222. The board of military auditors shall consist of The Adjutant General and two officers of the active list of the Organized Militia of Washington to be selected by the State Auditor and detailed by the Governor, which board shall audit and pass upon all claims against the military appropriations. The board shall meet at the call of The Adjutant General.

SEC. 36. That Section 7223 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Audit and
payment of
claims from
military
fund.

Section 7223. All bills, claims and demands against the military fund shall be certified or verified in the manner prescribed by regulations promulgated by the Governor and shall be audited by the proper board of military auditors, and, if allowed, shall be paid by the state treasurer upon the warrant of the state auditor from the military fund: *Provided, however,* That in all cases where the Organized Militia or any part thereof is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or in aid of the civil authorities, warrants for allowed pay and expenses for such service shall be drawn upon the general fund of the state treasury and paid out of any monies in said fund not otherwise appropriated. All military warrants shall be the obligations of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Warrants
against gen-
eral fund.

SEC. 37. That Section 7224 of Remington & Ballinger's Annotated Codes and Statutes of Washington, as

amended by section 1 of chapter 47 of the Laws of Washington of 1915, be and the same is hereby amended to read as follows:

Section 7224. Commissioned and warrant officers while on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction or on examining boards at or in the vicinity of their home stations or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of a local commander, shall receive the same pay and allowances as officers of the United States of the same grade and term of service: *Provided*, That for travel only actual necessary expenses shall be allowed.

Pay of officers on duty.

For the purpose of computing pay and allowances of officers of the Organized Militia, service with the First Washington Volunteer Infantry as an officer or enlisted man until muster out of that organization shall be considered equivalent to three years' service in the Organized Militia of Washington, and service as an enlisted man in the Organized Militia of Washington shall be counted in the total length of service of an officer if continuous with his service as an officer.

Rules for computation of allowances.

While on duty pursuant to the orders of the Governor (other than at assemblages for drill or instruction at or in the vicinity of their home stations or when called or ordered out by the President of the United States) and while on duty in aid of the civil authorities pursuant to the lawful orders of a local commander, enlisted men of the National Guard of Washington shall receive pay at rates equivalent to twice those allowed for corresponding grades in the United States Army: *Provided*, That the pay of cooks and bandsmen shall be three (\$3.00) dollars per day. Enlisted men of the Naval Militia of Washington under like circumstances shall receive pay at rates equivalent to those allowed for corresponding grades in the United States Navy, plus an addition to each respective rate of pay sufficient to make the same equal the next higher of

Pay of enlisted men in national guard.

Pay of naval militia men.

the following seven per diem rates of pay, viz.: Three dollars (\$3.00), two dollars and fifty cents (\$2.50), two dollars (\$2.00), one dollar and seventy-five cents (\$1.75), one dollar and fifty cents (\$1.50), one dollar and twenty-five cents (\$1.25), and one dollar (\$1.00).

Increased rates allowed for length of service.

The foregoing rates of pay for enlisted men shall be increased ten per cent for each full term of three years prior service in the Organized Militia of Washington or in the Army, Navy or Marine Corps of the United States, and service with the First Washington Volunteer Infantry until muster out of that organization shall be deemed equivalent to three years' service in the Organized Militia.

State rates of pay apply only to 30 day service.

This schedule of state pay shall apply only to the first thirty days of any tour of duty and after the thirtieth day of any such tour, officers and men shall receive the pay and allowances officers and men in the regular service of the United States of corresponding organizations, grades and terms of service receive.

Extra duty pay.

Extra duty pay to men detailed as clerks and on similar duty may be allowed by the commanding officers of troops on duty, but in no case shall pay and extra pay exceed two dollars and fifty cents (\$2.50) per day.

Allowance on honorable discharge.

Upon completion of the first three years of his enlistment, or upon honorable discharge by proper authority, each enlisted man shall receive in addition to the pay above mentioned, the sum of fifty cents for each day of state paid service, not exceeding fifty days, less all proper deduction for fines or lost property: *Provided*, That claims for such additional pay shall not be valid unless filed with The Adjutant General within twelve (12) months from the date of discharge.

Federal appropriations for military training.

In addition to the pay herein provided the Governor, or such other official as may be designated by federal authority, is authorized to receive and disburse, in accordance with federal laws and regulations, any moneys which may be appropriated by the congress of the United States and allotted to the State of Washington for the payment of officers and enlisted men of the organized

militia as reimbursement for expenses incurred in, and compensation for, the time devoted to military training during times of peace.

SEC. 38. That section 7227 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7227. Every member of the Organized Militia of Washington who shall be wounded or disabled while on duty in the service of the state shall be taken care of and provided for at the expense of the state, and if permanently disabled shall receive the like pensions or reward that persons under similar circumstances in the military service of the United States receive from the United States: *Provided*, That no pension shall be granted for any disability received while in the service of the United States, or while proceeding to or returning from such service. Before the name of any person is placed upon the pension roll under this section proof shall be made, under such regulations as the Governor may from time to time prescribe, that the applicant is entitled to such pension.

State pensions for those disabled in service.

SEC. 39. That Section 7230 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7230. The Governor shall cause the Organized Militia to perform for at least five consecutive days in each year camp or cruise duty, field maneuvers or such other duty as in his judgment will best promote the discipline and efficiency of the force.

Annual camp or cruise duty.

SEC. 40. That Section 7233 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7233. No person belonging to the military forces of this state shall be arrested under any civil process while going to, remaining at, or returning from any place at which he may be required to attend military duty. Any members of the Organized Militia parading,

Freedom from arrest.

Right-of-way when on duty.

or performing any duty according to the law shall have the right-of-way in any street or highway through which they may pass and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will be caused thereby; any person belonging to the military forces of the state while going to or returning from any parade, encampment, drill or meeting which he may be required by law to attend shall be allowed to pass free through all toll gates and over all toll bridges and ferries: *Provided*, That the carriage of the United States mail and the legitimate functions of the police and the progress and operations of fire departments shall not be interfered with thereby.

Free passage over toll roads, bridges and ferries.

SEC. 41. That Section 7234 of Remington & Balingier's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Obstructing enlistment.

Section 7234. A person, who either by himself, or with another, wilfully deprives a member of the Organized Militia of Washington of his employment or prevents, by himself or another such member being employed, or obstructs or annoys said member or his employer in his trade, business or employment, because he is such member or dissuades any person from enlisting in said Organized Militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not more than thirty days or shall suffer both such fine and imprisonment.

Penalty.

SEC. 42. That Section 7235 of Remington & Balingier's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Discrimination against militia members.

Section 7235. No club, society, association, corporation, or organization shall by any constitution, rule, by-law, resolution, vote or regulation, or otherwise, discriminate against any member of the Organized Militia of Washington because of his membership in said Organized

Militia, in respect to his eligibility to membership in such club, society, association, corporation, or organization, or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organization violating or aiding, abetting or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail for a period not exceeding thirty days, or shall suffer both such fine and imprisonment.

Penalty.

SEC. 43. That Section 7236 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7236. No member of the Organized Militia of Washington shall be discharged by his employer by reason of the performance of any military duties upon which he may be ordered. When any member of the Organized Militia of Washington is ordered upon duty which takes him from his employment he may apply upon the termination of such duty to be restored to his position and employment, and if the tour of duty shall have continued for a period not longer than three months, any employer or the officer or manager of any firm or corporation having authority to re-employ such member and failing so to do shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or imprisoned in the county jail for a period not exceeding ninety days, or shall suffer both such fine and imprisonment.

Discharge by employer prohibited.

Penalty.

SEC. 44. That section 7238 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 19 of the Laws of Washington of 1915, be and the same is hereby amended to read as follows:

Section 7238. The officers, or the officers and enlisted men of any regiment, battalion, company or similar unit of the Organized Militia of Washington are hereby au-

Incorporation of militia as social clubs.

thorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real and personal, as such military organizations may possess or acquire. Such corporation shall not engage in business and shall not be required to pay any filing or license fee to the state.

The dissolution or disbandment of any such unit as a military organization shall not operate to terminate the existence of the corporation, but the existence of the same shall continue for the period limited in its articles of incorporation for the benefit of such corporation.

Property of
disbanded
units reverts
to state.

Upon the dissolution or disbandment of any such unit which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any funds or property, the title to such funds or property shall immediately vest in the State of Washington, and The Adjutant General shall take possession thereof and dispose of the same to the best interest of the Organized Militia of Washington.

Kinds of
military
tribunals.

SEC. 45. The military tribunals of the State of Washington shall be of two kinds, viz.:

1. Courts-martial for the trial of offenders against the military law, and
2. Courts of inquiry for examining transaction of, or accusations or imputations against, officers or enlisted men of the Organized Militia of Washington.

Classes of
courts-
martial.

All such courts shall be composed of commissioned officers only. All commissioned officers of the Organized Militia of Washington, shall be eligible for detail to such courts, but no officer will be detailed for the trial of an officer superior to himself in rank when it can be avoided.

SEC. 46. The Military Courts of the Organized Militia of the State of Washington, shall be of the following classes:

For the National Guard:

1. General Courts-Martial
2. Special Courts-Martial
3. Summary Courts-Martial

For the Naval Militia:

1. General Courts-Martial
2. Summary Courts-Martial
3. Deck Courts

They shall be respectively constituted like and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations of the United States, and the proceedings of such courts shall follow the forms and modes of procedure prescribed for similar courts by the law and regulations of the United States. They may be convened by order specifying that they shall sit either for the trial of specified offenses or offenders or for the trial of all offenses or offenders that may be lawfully brought before them either during a specified period of time or until further order of the convening or superior authority.

Regulations
and sittings.

SEC. 47. General courts-martial may be convened by order of the Governor and may consist of any number of officers from five to thirteen inclusive. The decision of the appointing authority as to the number of officers to compose such court shall be conclusive. When from any cause a general court-martial is reduced below the minimum of five officers, the remaining number will direct the Judge Advocate to report the fact to the convening authority and await further orders. Such courts shall have the power and jurisdiction to impose fines not exceeding two hundred (\$200.00) dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; to reduction in rank or rating; or any two or more of such punishments may be combined in the sentence imposed by such courts.

General
courts-
martial,
composition
and juris-
diction.

SEC. 48. In the National Guard of Washington the commanding officer of each garrison, post, camp or other place, brigade, regiment, detachment, battalion or other detached command, may appoint special courts-martial for his command but such special courts-martial may in

Special
courts-
martial in
national
guard, ap-
pointment
and juris-
diction.

any case be appointed by a superior authority when by the latter deemed desirable. Special courts-martial shall have the power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the State of Washington, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed one hundred (\$100.00) dollars. Such special courts-martial shall consist of any number of commissioned officers from three to five, inclusive.

National
guard sum-
mary courts-
martial, ap-
pointment
and juris-
diction.

SEC. 49. The commanding officer of each garrison, fort, post or other place, regiment or corps, detached battalion, company or other detachment of the National Guard of Washington, may appoint for such place of command a summary court to consist of one (1) officer, who shall have power to administer oaths and to try enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five (\$25.00) dollars for any single offense, may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for similar courts of the Regular Army of the United States.

Naval
militia sum-
mary courts-
martial.

SEC. 50. A summary court-martial for the Naval Militia of Washington shall consist of three commissioned officers thereof as members and one commissioned or warrant officer as recorder and may be ordered by the Governor or by the commanding officer of a Naval Militia brigade or battalion. The precept for the court shall specify the personnel of the court and the time and place of the meeting. The precept may authorize such court to sit on board any vessel loaned this state by the United States or on board any vessel upon which said Naval

Militia may have been lawfully assembled or may be serving whether such assemblage or service be for the purpose of the annual or other cruise or for drill and instruction and such court may sit and act wherever said vessel may be. Such courts shall have the power to administer oaths and to try any member of said Naval Militia subject to military law except a commissioned or warrant officer thereof for any crime or offense made punishable by the military laws of the United States or of the State of Washington provided for Naval Militia and shall have the same powers of punishment as do general courts-martial, except that fines imposed by summary courts-martial shall not exceed one hundred (\$100.00) dollars for any single offense.

Members.
venue and
jurisdiction.

SEC. 51. A deck court in the Naval Militia of Washington shall consist of one commissioned officer thereof, of the grade of lieutenant (junior grade) or above if practicable, and may be ordered by the commanding officer of a Naval Militia brigade or battalion or by a Naval Militia officer in command of a Naval Militia force on shore or on any vessel loaned this state by the United States or on any vessel on which the Naval Militia of this state or any part thereof may be serving, and said court may sit and act wherever said vessel may be. Said court shall have power to administer oaths and to try any member or members of the enlisted personnel of the said Naval Militia for breaches of discipline or violations of the laws, articles, regulations, instructions and orders governing said Naval Militia and may impose fines not exceeding fifty (\$50.00) dollars for any single offense, and may sentence enlisted men to reduction in rank or rating, to forfeiture of pay and allowances, to a reprimand, to discharge with other than a dishonorable discharge, or to a fine in addition to any one of the other sentences specified.

Deck courts

Place of
trial and
jurisdiction.

SEC. 52. The amount of any fine imposed under sentence of any Naval Militia court on any member of the Naval Militia of Washington may be collected from him or may be deducted from any amount due said member

Fines
imposed by
naval militia
court.

as pay of any character whatsoever and all such fines so collected or withheld shall be paid to the commanding officer of the Naval Militia battalion or separate unassigned unit of which the person against whom such fine shall have been assessed is a member, to be used by said commanding officer to replace lost or damaged property or for such other purposes of his Naval Militia organization as he may decide, subject to such regulations as may be prescribed by the Governor in conformity with the regulations of the Navy Department thereon. Upon the receipt of a certificate from the authority convening the court as to any fine assessed by it, any disbursing officer concerned shall pay over any funds due said member not exceeding the amount of such fine to said commanding officer upon the sole receipts of said commanding officer.

Collection and disposition.

SEC. 53. All military courts of the Organized Militia of Washington, including summary courts and deck courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentence of confinement shall not exceed one day for each dollar of fine authorized.

Sentence to confinement in lieu of fine.

SEC. 54. No sentence of dismissal or dishonorable discharge from the service of the Organized Militia of Washington not in the service of the United States, imposed by any military court, shall be executed until approved by the Governor.

Approval of dismissals and dishonorable discharges.

SEC. 55. Military courts shall have jurisdiction, subject to the limitations imposed by law, at all times and in all places, over officers and enlisted men of the Organized Militia of Washington, and over members of the Unorganized Militia of Washington who shall be under orders for military duty, for all military offenses.

Extent of jurisdiction.

SEC. 56. Presidents of courts-martial, senior members of Naval Militia summary courts-martial and summary and deck court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have

Warrants for arrest and compulsory attendance of witnesses.

disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue subpoenas and subpoenas *duces tecum*, and to enforce by attachment attendance of witnesses, both civil and military, and to require the production of all books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. All of such courts shall also have power to take or cause to be taken the depositions of witnesses to the same extent as have the superior courts of the State of Washington. Every Judge Advocate of a military court shall have the same power to issue subpoenas and subpoenas *duces tecum* that are possessed by the Attorney of Record for any party to an action pending before the superior court of the State of Washington and such military court shall have the same authority to enforce obedience to such subpoenas as is possessed by the superior courts of the State of Washington.

SEC. 57. That Section 7324 of Remington & Balingier's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7324. Every person not belonging to the Organized Militia of Washington who, having been duly subpoenaed to appear as a witness before a military court, shall have wilfully neglected or refused to appear (or refused to appear) or refused to qualify as a witness or to testify or produce documentary evidence which such person shall have been legally subpoenaed to produce, and every sheriff, constable or jailor who shall have received a lawful writ, mandate, subpoena or other process of any military court, and who shall have refused or wilfully or negligently failed to execute or serve the same shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the superior court of the State of Washington; and it shall be the duty of the prosecuting attorney of any county, on the certification of the facts to him by the president or senior member of

Refusal of
witnesses to
appear and
of civil
officers to
serve writs.

Penalty. the court, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

Power to issue processes and mandates. SEC. 58. Military courts are empowered to issue all processes and mandates including writs and warrants necessary and proper to carry into full effect the powers vested in said courts. Such writs and mandates may be directed to the sheriff of any county or the constables or marshals of any precinct, city or town, and shall be in such form as may, from time to time, be prescribed in regulations. It shall be the duty of all such officers to whom any such process or mandate may be so directed to forthwith execute the same and make return of their acts thereunder, according to the requirements of such process or mandate. The keepers and wardens of all county and city jails shall receive the bodies of persons committed by the process or mandate of any military court, and shall confine them in the manner prescribed thereby and according to law. Any person may be committed to any county or city jail for failure to pay any fine under this act and when so committed shall be credited upon such fine and assessed costs with the sum of one dollar for each day so confined.

Duty of civil officers to execute. Commitments to jail.

SEC. 59. That Section 7327 of Remington & Balinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Fees and mileage. Section 7327. Fees and mileage allowed for the service of process and for civilian witnesses shall be the same as in civil actions. All expenditures necessary to carry the provisions of this act into effect are hereby authorized to be incurred, and paid out of the appropriations for the maintenance of the Organized Militia of Washington.

SEC. 60. Wherever used in the military code of the State of Washington and throughout this act the word "officer" shall be understood to designate commissioned and warrant officers, and the words "enlisted men" shall be understood to designate members of the Organized Militia of Washington other than commissioned or warrant officers. The convictions and punishments mentioned in the military code of the State of Washington and in this act, unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

Officer, enlisted men, and convictions defined.

The Organized Militia of Washington shall be governed by the following articles:

Governing articles.

SEC. 61. Art. 1. Any officer who knowingly musters as an enlisted man a person who is not an enlisted man shall be deemed guilty of knowingly making a false muster, and punished accordingly.

False muster.

SEC. 62. Art. 2. Every officer who knowingly makes a false return to any of his superior officers authorized to call for such returns, of the state of the organization under his command, or of the arms, ammunition, clothing or other stores for which he shall be responsible or accountable, shall, on conviction thereof before a court-martial, be dismissed.

False returns.

SEC. 63. Art. 3. Every officer shall be charged with the arms, accoutrements, ammunition, clothing and other military stores for which he shall have given his receipt in writing, and shall be responsible in case of their being lost, spoiled or damaged otherwise than by unavoidable accident, or on actual service.

Responsibility for arms, etc.

SEC. 64. Art. 4. Every officer who signs a false certificate relating to the absence or pay of an officer or enlisted man shall be dismissed from the service.

False certificate.

SEC. 65. Art. 5. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof

False muster roll.

by two witnesses before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the State of Washington.

Negligent
loss of mili-
tary stores.

SEC. 66. Art. 6. Any officer, who wilfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States or the State of Washington, shall make good the loss or damage, and shall suffer such punishment as a court-martial may direct.

Sale or
waste of
ammunition.

SEC. 67. Art. 7. Any enlisted man who sells, or wilfully or through neglect wastes the ammunition delivered to him shall be punished as a court-martial may direct.

Sale or loss
of military
stores.

SEC. 68. Art. 8. Any enlisted man who sells, or through neglect loses or spoils any military property of the United States or the State of Washington shall be punished as a court-martial may direct.

Disrespect
toward
commanding
officer.

SEC. 69. Art. 9. Any officer or enlisted man who behaves himself with disrespect towards his commanding officer shall be punished as a court-martial may direct.

Striking or
disobeying
superior
officer.

SEC. 70. Art. 10. Any officer or enlisted man who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer such punishment as a court-martial may direct.

Mutiny.

SEC. 71. Art. 11. Any officer or enlisted man who begins, excites, causes, or joins in any mutiny or sedition, shall suffer such punishment as a court-martial may direct.

Presence at
or knowl-
edge of
mutiny.

SEC. 72. Art. 12. Any officer or enlisted man who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition does not, without delay, give information thereof to his commanding officer, shall suffer such punishment as a court-martial may direct.

SEC. 73. Art. 13. Every officer shall have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or another organization and to order officers into arrest, and enlisted men into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or draws a weapon upon him, shall be punished as a court-martial may direct.

Suppression of disorders among militia members.

SEC. 74. Art. 14. Any enlisted man who thinks himself wronged by any officer may complain to the immediate commander of said officer, who shall examine into said complaint and take proper measures.

Complaints of men against officers.

SEC. 75. Art. 15. Any enlisted man who absents himself from duty without leave shall be punished as a military court may direct.

Absence from duty.

SEC. 76. Art. 16. Any officer or enlisted man who fails, except when prevented by sickness or other necessity, to repair at the fixed time to the appointed place of parade, exercise or other rendezvous, or goes from the same without leave, before he is dismissed or relieved, shall be punished as a military court may direct.

Non-attendance or leaving military exercises.

SEC. 77. Art. 17. No enlisted man shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every enlisted man found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a military court may direct.

Hiring substitute for discharge of duties.

SEC. 78. Art. 18. Every non-commissioned or petty officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

Connivance of officers.

SEC. 79. Art. 19. Any officer who is found drunk on duty shall be dismissed from the service. Any enlisted man who so offends shall suffer such punishment as a military court may direct.

Drunkenness on duty.

Sleeping or
abandoning
sentinel
duty.

SEC. 80. Art. 20. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer such punishment as a court-martial may direct.

False
alarm in
camp.

SEC. 81. Art. 21. Any officer, who by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer such punishment as a court-martial may direct.

Cowardice
and pillage.

SEC. 82. Art. 22. Any officer or enlisted man who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard which he is commanded to defend, or speaks words inducing another to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer such punishment as a court-martial may direct.

Desertion.

SEC. 83. Art. 23. Every enlisted man who deserts, shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such enlisted man shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

Quitting
post prior to
acceptance
of resigna-
tion.

SEC. 84. Art. 24. Any officer who, having tendered his resignation, quits his post, or proper duties, without leave and with intent to remain permanently absent therefrom, prior to due notice of acceptance of the same, shall be deemed and punished as a deserter.

Persuasion
to desert.

SEC. 85. Art. 25. Any officer or enlisted man who advises or persuades any other officer or enlisted man to desert shall suffer such punishment as a court-martial may direct.

Destruction
of property.

SEC. 86. Art. 26. All officers and enlisted men are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, or maliciously destroys any property whatsoever belonging to inhabitants of the United States or of the State of Washington, shall, besides such other penalties as he may be

liable to by law, be punished as a court-martial may direct.

SEC. 87. Art. 27. Any member of the Organized Militia of Washington

(1) Who makes or causes to be made any claim against the United States or the State of Washington, or any officer thereof, knowing such claim to be false or fraudulent; or

Making fraudulent claims.

(2) Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or the State of Washington, or any officer thereof, knowing such claim to be false or fraudulent; or

Presentation of fraudulent claims.

(3) Who enters into any agreement or conspiracy to defraud the United States or the State of Washington, by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Conspiracy to defraud.

(4) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Washington, or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing or other paper; knowing the same to contain any false or fraudulent statement; or

Making or using fraudulent papers.

(5) Who, for the purpose of obtaining or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Washington or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Making or procuring false oath to claims.

(6) Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or the State of Washington, or any officer thereof, forges or counterfeits, or procures or advises the forgery or counterfeiting of, any signature upon any writing or other paper, or uses, or

Forgery or counterfeiting of claims.

procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Taking
excess of
money or
property
delivered.

(7) Who, having charge, possession, custody, or control of any money or other property of the United States or of the State of Washington, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Delivery of
receipt with
intent to
defraud.

(8) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the State of Washington, furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States or the State of Washington; or

Embezzlement
of
military
property.

(9) Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance [ordnance], arms, ammunition, equipments, clothing, subsistence, stores, money, or other property of the United States or of the State of Washington, furnished or intended for the military service thereof; or

Unlawful
purchase of
military
stores.

(10) Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any enlisted man, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence, stores, or other property of the United States or State of Washington, such enlisted man, officer or other person not having lawful right to sell or pledge the same;

Penalty.

Shall on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may direct or by any or all of said penalties.

Liability to
court-mar-
tial after
discharge or
dismissal.

And if any person having committed any of the offenses aforesaid while a member of the Organized Militia of Washington, receives his discharge, or is dismissed

from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

SEC. 88. Art. 28. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Conduct unbecoming an officer.

SEC. 89. Art. 29. All crimes not capital and all disorders and neglects, of which officers and enlisted men may be guilty, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles, may be taken cognizance of by a military court, as provided herein, according to the nature and degree of the offense, and punished at the discretion of such court.

Cognizance of all crimes other than capital.

SEC. 90. Art. 30. When an officer is put in arrest for the purpose of trial, the officer by whose order he is arrested shall see that a copy of the charge on which he is to be tried is served upon him within ten days after his arrest, and that he is brought to trial within twenty days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said twenty days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provision of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

Arrest of officer.

Service of charges.

Time of trial.

SEC. 91. Art. 31. For each general or special court-martial of the National Guard and for each general or summary court-martial of the Naval Militia, the Governor shall appoint a judge Advocate.

Judge advocates.

SEC. 92. Art. 32. When the requisite number of officers to form a general court-martial is not present at any station or detachment the Governor shall in cases which require the cognizance of such court, thereupon order a court to be assembled at the nearest place where

Procedure where insufficient officers for court.

such trial can be conveniently held, and shall order the accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

Trial of
officers.

SEC. 93. Art. 33. Officers shall be tried only by general courts-martial.

SEC. 94. Art. 34. The judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation:

Oath of
members of
court-
martial.

“You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you between the State of Washington and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the Organized Militia of the State of Washington, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God.”

SEC. 95. Art. 35. When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the judge advocate, an oath or affirmation in the following form:

Oath of
judge
advocate.

“You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same. So help you God.”

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form:

“You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.”

Oath of witnesses.

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

“You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.”

Oath of reporter.

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form:

“You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God.”

Oath of interpreter.

In case of affirmation the closing sentence of adjuration will be omitted.

SEC. 96. Art. 36. A military court may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

Punishment for contempt of court.

SEC. 97. Art. 37. All members of a court-martial are to behave with decency and calmness.

Conduct of court members.

SEC. 98. Art. 38. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof and shall not receive a challenge to more than one member at a time.

Challenges to members of court.

SEC. 99. Art. 39. When a prisoner, arraigned before a military court, from obstinacy and deliberate design, stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had pleaded not guilty.

Prisoner standing mute.

SEC. 100. Art. 40. The Judge Advocate shall prosecute in the name of the State of Washington, but when

Protection of rights of prisoner.

the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any witness, and to any question to the prisoner the answer to which might tend to incriminate himself.

Oath of witnesses.

SEC. 101. Art. 41. All persons who give evidence before a military court shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Continuances.

SEC. 102. Art. 42. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often as may appear to be just.

Voting by court members.

SEC. 103. Art. 43. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

Suspension of pay.

SEC. 104. Art. 44. When a court-martial suspends an officer from command it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Twice in jeopardy.

SEC. 105. Art. 45. No person shall be tried a second time for the same offense.

Period of limitation against trial.

SEC. 106. Art. 46. No person shall be liable to be tried and punished by a military court for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Execution of sentences.

SEC. 107. Art. 47. No sentence of a general court-martial shall be carried into execution until the same shall have been approved by the Governor.

Judge advocate's report to adjutant general.

SEC. 108. Art. 48. Every Judge Advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original pro-

ceedings and sentence of such court to The Adjutant General.

SEC. 109. Art. 49. Every person tried by a general court-martial shall, upon proper demand therefor be entitled to a copy of the proceedings and sentence of such court.

Copy of proceedings and sentence to person tried.

SEC. 110. Art. 50. A court of inquiry to examine into the nature of any transaction of, or accusation or imputation against, any officer or enlisted man may be ordered by the Governor or by the Commanding officer of a Naval Militia Brigade or Battalion.

Court of inquiry.

SEC. 111. Art. 51. The recorder or judge advocate of a court of inquiry shall administer to the members the following oath:

“You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you God.”

Oath of members of court.

After which the president of the court shall administer to the recorder or judge advocate the following oath:

Oath of recorder.

“You, A. B., do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God.”

SEC. 112. Art. 52. A court of inquiry, and the recorder or judge advocate thereof, shall have the same power to summon and examine witnesses as is given to general courts-martial and the judge advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before general courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

Powers of court and recorder.

SEC. 113. Art. 53. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

Opinion on merits of case.

SEC. 114. Art. 54. The proceedings of a court of inquiry must be authenticated by the signatures of the

Authentication of proceedings.

recorder or judge advocate and the president thereof and delivered to The Adjutant General or convening authority.

Admission of proceedings as evidence in military court.

SEC. 115. Art. 55. The proceedings of a court of inquiry may be admitted as evidence by a military court, in cases not extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony can not be obtained.

Highest officer in combined units to command.

SEC. 116. Art. 56. If, upon marches, guards, or in quarters, different organizations of the National Guard of Washington, happen to join or do duty together, the officer highest in rank of the line by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful in the service, unless otherwise specially directed by the Governor, according to the nature of the case.

Inventory of effects of deceased militiaman.

SEC. 117. Art. 57. In case of death of any enlisted man, his commanding officer shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Adjutant General.

Power of punishment in naval militia.

SEC. 118. Art. 58. The commanding officer of a Naval Militia brigade or battalion and the Naval Militia officer in command of Naval Militia forces on shore or on any vessel of the Navy loaned to the State of Washington or on any vessel on which such forces are training shall have power, without trial by courts-martial, to impose upon members of the Naval Militia of Washington the punishments which the commanding officer of a vessel of the Navy is authorized by law to impose.

Naval militia allowances for incidental expenses.

SEC. 119. Each commanding officer of the Naval Militia of Washington shall be entitled to receive an allowance for the incidental expenses of his command, payable quarterly in advance, in like manner and at the same times as similar allowance is made to commanding officers of the National Guard of Washington, according to the following schedule: Divisions, Marine Corps companies

and like units, not to exceed twenty-five (\$25.00) dollars per month; bands, not to exceed fifteen (\$15.00) dollars per month; battalions and like units, not to exceed twenty five (\$25.00) dollars per month; brigades and like units, not to exceed twenty-five (\$25.00) dollars per month.

Such allowance for incidental expenses shall be accounted for, and expenditures therefrom evidenced, in the same manner as is provided for similar allowances to commanding officers of organizations of the National Guard of Washington.

SEC. 120. That Section 7328 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7328. Under the direction of the Governor The Adjutant General shall, at the expense and in the name of the state, buy or lease, establish, equip, maintain and control such rifle ranges and issue such ammunition, transportation and supplies as may be necessary to provide each organization of the Organized Militia of Washington with adequate means and opportunity for thorough instruction in rifle practice.

Rifle ranges.

SEC. 121. That Section 7329 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7329. The Adjutant General is authorized to expend from the appropriations for the maintenance of the Organized Militia of Washington the sum of five hundred dollars per annum for prizes for marksmanship under such regulations as may be prescribed by the Governor.

Prizes for marksmanship.

SEC. 122. That Section 7330 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7330. Whenever any portion of the militia of the state shall be on duty under or pursuant to orders of the Governor, or whenever any part of the militia shall be ordered to assemble for duty in time of war, insurrection, invasion or imminent danger thereof, breach of the peace, tumult, riot, public danger or resistance to process,

U. S. articles of war to govern militia on duty, if unmodified by state regulations.

the Articles of War and Regulations for the government of the Army of the United States, so far as applicable and not in conflict with any rule or regulation herein prescribed, and with such modifications as the Governor may prescribe, shall be considered in force and regarded as a part of this act until such forces shall be duly relieved from such duty: *Provided*, That organizations of the Naval Militia of Washington under such circumstances shall be similarly subject to the articles for the government of the Navy of the United States and to navy regulations, naval instructions, and general orders of the United States Navy. No punishment under this section, extending to the taking of life, shall in any case be inflicted except in time of actual war, invasion or insurrection declared to exist by proclamation of the President of the United States or by the Governor of this state, and then only after the approval of such sentence by the Governor.

Naval militia governed by U. S. navy regulations.

Punishment by death only on approval of governor.

SEC. 123. That Section 7331 of Remington & Balinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7331. The Governor shall promulgate in general orders such rules and regulations and amendments thereto not inconsistent with law as he may deem necessary. Such rules and regulations, when so promulgated, shall have the same force and effect as though herein enacted.

Promulgation by governor of general orders.

SEC. 124. That Section 7332 of Remington & Balinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7332. Every officer and enlisted man of the Organized Militia of Washington shall be exempt from all jury duty and from the payment of poll tax during the term of his service therein. Every person employing an enlisted man of the Organized Militia of Washington having not less than six months' continuous service therein, and having so continuously employed him for a period of not less than six months prior to the time of claiming

Exemptions of militiamen.

Exemption of employer from jury duty.

such exemption, shall be exempt from jury duty: *Provided*, That if such member of the Organized Militia is employed by a firm or corporation, one member only of such firm or officer of such corporation shall be exempt from jury duty for each member of the Organized Militia so employed: *And provided further*, That this exemption shall extend only to members of firms and to officers of corporations actively engaged in conducting the business of such corporations, and shall not extend to directors and stockholders in such corporations merely as such.

SEC. 125. Whenever any land, real estate, premises or other property owned by the State of Washington and used for military purposes shall be involved in or affected by any eminent domain, condemnation, local improvement or other special assessment proceeding whatsoever, in addition to the notices elsewhere provided by law, the officer or board required by law to give notice of such proceedings shall cause to be served upon The Adjutant General at least twenty days in advance of any hearing therein, a written notice, setting forth the nature of the proceedings, the description of such state property sought to be involved therein or affected thereby and the amount of the proposed assessment therein.

Condemnation or special assessment against state military realty.

Notice to adjutant general.

SEC. 126. That Section 7338 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 7338. For the purpose of raising revenue for the Organized Militia of Washington there is hereby levied, and the proper officers shall collect, a tax of not to exceed thirty one hundredths (30/100) of one mill or so much thereof as may be necessary, upon all property in the state subject to taxation for the present fiscal year and for each fiscal year thereafter. The revenue so raised shall be paid into the state treasury and shall be converted into a special military fund, from which special fund shall be paid the military expenses authorized by the military Code of Washington, except as otherwise provided.

Tax levy for military purposes.

Payment into military fund.

Repealing
clause.

SEC. 127. That all acts incorporated and enumerated in the following schedule and all other acts and parts of acts in conflict with provisions of this act are hereby repealed:

SCHEDULE:

Sections 7169, 7170, 7177, 7178, 7179, 7180, 7184, 7185, 7186, 7187, 7188, 7190, 7191, 7193, 7196, 7197, 7198, 7199, 7201, 7202, 7203, 7204, 7205, 7206, 7208, 7209, 7210, 7211, 7212, 7213, 7214, 7215, 7217, 7228, 7231, 7237, 7239, 7240, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7325, 7333, 7336, 7339 of Remington & Ballinger's Annotated Codes and Statutes of Washington, Sec. 74 of Chapter 134 of the Laws of 1909 (being sections 7241 to 7311 both inclusive of Remington & Ballinger's Annotated Codes and Statutes of Washington) and Chapter 102 of the Laws of 1911.

SEC. 128. WHEREAS, The public peace and safety of the United States and of the State of Washington depend upon an adequate system of national defense, and

WHEREAS, The militia of the various states is an important element of the National defense, and

WHEREAS, By the Constitution of the United States authority is conferred upon Congress to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion and to provide for organizing, arming and disciplining the militia and for governing such part of them as may be called into the service of the United States, and,

WHEREAS, By the Constitution of the United States, the authority of training the militia according to the discipline prescribed by Congress and the appointment of the officers thereof are reserved to the several states, and,

WHEREAS, Congress in accordance with the authority conferred upon it has recently enacted certain laws, providing for organizing, arming and disciplining [disciplining] the militia and for the governing of such part of them as may be called into the service of the United States and has made appropriations of money and military supplies,

accoutrements, and stores for the maintenance, support, equipment and discipline of the militia contingent upon compliance by the states respectively with the conditions set forth in said enactments, and,

WHEREAS, Said enactments, have been duly and regularly approved by the President of the United States and for some time past have been and now are in full force and effect, and

WHEREAS, It is the duty of the State of Washington and it is necessary for it forthwith to comply with said acts and each of them in order that its militia may be promptly qualified for the efficient service of both state and nation, and

WHEREAS, This act is a compliance therewith,

A public emergency is hereby declared to exist and this act is necessary for the immediate preservation of the public peace and safety and the support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the House February 25, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 108.

[H. B. 46.]

ARMORY AT WALLA WALLA.

AN ACT relating to the construction, equipment and furnishing of an armory for the use of the National Guard of Washington at Walla Walla, appropriating money from the military fund therefor, creating a commission to superintend the construction, equipment and furnishing of said armory, and authorizing the promulgation of rules and regulations for the government thereof.

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

SECTION 1. That for the purpose of constructing, equipping and furnishing an armory for the use of such organization or organizations of the National Guard of

Appropriation
\$75,000.

Washington as may be stationed there, the sum of seventy-five thousand dollars (\$75,000.00) is hereby appropriated from the military fund for the construction, equipment and furnishing of an armory in the city of Walla Walla: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that title to such site shall be deeded to the State of Washington.

Donation
of site.

Armory
commission.

SEC. 2. That for the purpose of erecting, completing, furnishing and equipping said armory, there is hereby created a commission to be known as the Walla Walla armory commission, which said commission shall consist of three members, comprised as follows: The adjutant general of the National Guard of Washington, the chairman of the state board of control, all of whom shall be *ex-officio* members of said commission, and Captain Paul Weyrauch of the city of Walla Walla. In case of the death, resignation or inability to serve of the last named member, the vacancy shall be filled by the commissioners of the city of Walla Walla. Within ten days after the taking effect of this act the members of said commission shall meet and organize. The adjutant general shall be chairman of said commission, and said commission shall elect a secretary from among its members. When a vote of said commission shall be equally divided the adjutant general shall cast the deciding vote. The members of said commission shall act as such until the completion, acceptance, equipment and furnishing of said armory, and the consummation of all business relating thereto, and shall give bond to the State of Washington, in the sum of five thousand dollars (\$5,000.00) conditioned upon the faithful performance of the duties imposed by this act, to be approved by the governor and filed with the secretary of state, the cost of said bonds to be paid out of the money appropriated by this act. A majority of the said commission shall constitute a quorum: *Provided, however*, That no member of said commission shall be allowed or shall receive any compensation for his services as a member of such commission.

Bond of
commission
members.

SEC. 3. It shall be unlawful for any member of said commission to be connected, either directly or indirectly, in any manner whatsoever with any contract or part thereof, for the erection, equipment or furnishing of said armory or for any work connected therewith, or for the furnishing of any supplies, material or equipment therefor or to receive any benefit therefrom, either by way of commission, rebate, bonus, division of profits or otherwise, and any one of said members who shall violate any of the provisions of this act shall be guilty of a felony, and shall forfeit his right to and be removed from his place on said commission by the court in which he shall have been convicted. It shall be unlawful for said commission to employ any person in the supervision or superintendence of the building of said armory, or in any work connected therewith, who may or shall become in any manner connected, directly or indirectly, with any contract for the erection, equipment or furnishing of said armory, or for the furnishing of any supplies or material therefor; and said commission is hereby charged with the rigid enforcement of this provision of this act.

Interest
of commis-
sioners in
contracts.

Penalty.

Superintend-
ent of con-
struction
not to be
interested.

SEC. 4. After the organization of said commission as required by section 2 of this act, it shall be the duty of said commission to select without delay, the most suitable site for said armory building which shall become available therefor within the said city of Walla Walla, and thereafter to erect and construct said armory building upon said site so selected, in accordance with the provisions of this act; to secure the submission of plans and designs appropriate to an armory to cost, equipped and furnished, not more than the amount specified in this act, and such additional sum if any, as may be donated for the purpose of this act; to select the most desirable plan and design for said armory building, and for the equipment and furnishing thereof, and to obtain proper architectural drawings and specifications in conformity with such plan and design; to secure the erection, construction and completion of said armory building and the equipment and furnish-

Duties of
commission.

ing thereof, conforming faithfully to such plan and design, and said drawings and specifications: *Provided, however,* That of the amount appropriated by this act, not to exceed the sum of ten thousand dollars (\$10,000.00) thereof shall be used by said commission in the equipment and furnishing of said armory building.

Moneys
allowed for
equipment
of armory.

SEC. 5. No construction, material, equipment or furnishings exceeding \$500.00 in amount shall be furnished except pursuant to bids advertised for in one daily paper for a period of ten days in said city where said armory is to be built. The bid of the lowest and best responsible bidder shall be accepted, saving that the said commission shall have the right to reject any and all bids. The performance of any contract shall be secured by a surety company bond to the State of Washington to a sum not less than one-half of the contract price, said bonds to be conditioned for the faithful performance of said contract and to be approved by said commission. Each bid shall be accompanied by a certified check in the sum of five per centum of the amount of such bid. Said check shall be payable to the chairman of said commission, and shall be forfeited to the state for the use of the military fund upon failure of the bidder, for a period of ten days after any contract is awarded, to enter into a proper contract and furnish satisfactory bonds as required by law. Said commission shall in all contracts, reserve the right, for good cause shown, to annul such contracts and to enter upon the premises and take possession for the purpose of completing the work comprehended under such contracts, of all materials, tools and appliances thereon and to employ any other person or persons to finish said work and to provide the materials therefor. All said contracts shall further provide that in case of annulment thereof as aforesaid the contractor shall not be entitled to receive any further payment under such contracts until the work comprehended therein shall be wholly finished, at which time if the unpaid balance of the amount to be paid under said contract shall exceed the expenses incurred by the

Bids for
contracts.

Bonds
securing
performance
of contracts.

Annulment
of contracts.

commission in finishing said work such excess shall be paid to the contractor, but if such expense shall exceed such unpaid balance, the contractor shall pay the difference to the State of Washington for the use of the military fund. Such a per centum not less than twenty per centum, as the commission shall deem proper, shall be reserved from payment on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of said commission, and the directions, plans, drawings and specifications of the work executed and carried out by skilled and reputable architects, artists, mechanics and laborers, likewise to the satisfaction of the commission.

Per centum withheld on monthly estimates.

SEC. 6. The architect chosen by said commission shall receive such compensation for his plans, drawings, specifications and work of supervision as said commission shall deem reasonable: *Provided*, Such compensation shall in no event exceed five per centum of the cost of said armory building. He shall be supervising architect of said building and of all contracts for the construction, erection, equipment and furnishing thereof. He shall see that all material and equipment furnished and all work done is of the best quality, and that all contracts with said commission are faithfully performed by the parties so contracting with said commission. He shall perform all other duties devolving upon him as such architect, and the supervising architect of said building, and may be removed at the pleasure of said commission. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material or equipment furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish a surety company bond to the State of Washington in the sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

Architect, compensation and duties.

Bond of architect.

Disbursement
certificates.

SEC. 7. All disbursements on account of the construction, equipment and furnishing of said armory provided for in this act shall be made pursuant to certificates issued by said commission. All claims, bills and demands for labor performed, work done or material or equipment furnished, shall be presented to the commission in triplicate, and shall be passed upon by the said commission after a careful examination of every item named. If found correct they shall audit the same, preserving one copy and transmitting the other two copies as audited and allowed, to the state auditor, and shall issue a certificate to the effect that the services have been rendered or materials or equipment furnished, and the person named therein is entitled to a warrant on the treasury for the amount therein named. Upon a presentation of said certificate and a duplicate of the vouchers therefor as audited and approved by said commission as herein provided, to the state auditor, said state auditor shall draw his warrant on the state treasury upon the military fund, for the amount named in said certificate, and the state treasurer is hereby authorized to pay said warrant for the amount stated and to the order of the person named in said certificate: *Provided*, That no certificate shall be issued in excess of the amount appropriated for said armory. All certificates issued shall be recorded in a book kept by said commission for that purpose.

Issuance and
payment of
warrants.

Legal
adviser.

SEC. 8. The attorney general shall be the legal adviser of the commission herein constituted.

Rules and
regulations.

SEC. 9. The commander-in-chief is hereby authorized to make such rules and regulations as he may deem expedient to govern said armory, but such rules and regulations shall conform to this act. When promulgated, they shall have the same force and effect as this act.

Passed the House March 2, 1917.

Passed the Senate March 5, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 109.

[H. B. 73.]

ARMORY AT ABERDEEN.

AN ACT relating to the construction, equipment and furnishing of an armory for the use of the National Guard of Washington and other military organizations at Aberdeen, appropriating money from the military fund therefor, creating a commission to superintend the construction, equipment and furnishing of said armory, and authorizing the promulgation of rules and regulations for the government thereof.

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

SECTION 1. That for the purpose of constructing, equipping and furnishing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of seventy-five thousand dollars (\$75,000.00) is hereby appropriated from the military fund for the construction, equipment and furnishing of an armory in the city of Aberdeen: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that title to such site shall be deeded to the State of Washington.

Appropriation
\$75,000.

Donation
of site.

SEC. 2. That for the purpose of erecting, completing, furnishing and equipping said armory, there is hereby created a commission to be known as the "Aberdeen armory commission," which said commission shall consist of three members, comprised as follows: The adjutant general of the National Guard of Washington, the chairman of the state board of control, both of whom shall be *ex-officio* members of said commission and Captain H. A. Comeau of the city of Aberdeen. In case of the death, resignation or inability to serve of the last named member, the vacancy shall be filled by the commercial bodies of the city of Aberdeen. Within ten days after the taking effect of this act the members of said commission shall meet and organize. The adjutant general shall be chairman of said commission and said commission shall elect a secretary from among its members. When a vote of said

Armory
commission.

commission shall be equally divided the adjutant general shall cast the deciding vote. The members of said commission shall act as such until the completion, acceptance, equipment and furnishing of said armory, and the consummation of all business relating thereto, and shall give bond to the State of Washington, in the sum of five thousand dollars (\$5,000.00) conditioned upon the faithful performance of the duties imposed by this act, to be approved by the governor and filed with the secretary of state, the cost of said bonds to be paid out of the money appropriated by this act. A majority of the said commission shall constitute a quorum: *Provided, however,* That no member of said commission shall be allowed or shall receive any compensation for his services as a member of such commission.

Bond of
commiss-
sioners.

SEC. 3. It shall be unlawful for any member of said commission to be connected, either directly or indirectly, in any manner whatsoever with any contract or part thereof, for the erection, equipment or furnishing of said armory or for any work connected therewith, or for the furnishing of any supplies, material or equipment therefor or to receive any benefit therefrom, either by way of commission, rebate, bonus, division or [of] profits or otherwise, and any one of said members who shall violate any of the provisions of this act shall be guilty of a felony, and shall forfeit his right to and be removed from his place on said commission by the court in which he shall have been convicted. It shall be unlawful for said commission to employ any person in the supervision or superintendence of the building of said armory, or in any work connected therewith, who may or shall become in any manner connected, directly or indirectly, with any contract for the erection, equipment or furnishing of said armory, or for the furnishing of any supplies or material therefor; and said commission is hereby charged with the rigid enforcement of this provision of this act.

Interest
in contracts
prohibited.

Penalty.

Superintend-
ent not to be
interested
in contracts.

Duties of
commission.

SEC. 4. After the organization of said commission as required by section 2 of this act, it shall be the duty of

said commission to select without delay, the most suitable site for said armory building which shall become available therefor within the said city of Aberdeen, and thereafter to erect and construct said armory building upon said site so selected, in accordance with the provisions of this act; to secure the submission of plans and designs appropriate to an armory to cost, equipped and furnished, not more than the amount specified in this act, and such additional sum, if any, as may be donated for the purpose of this act; to select the most desirable plan and design for said armory building, and for the equipment and furnishing thereof, and to obtain proper architectural drawings and specifications in conformity with such plan and design; to secure the erection, construction and completion of said armory building and the equipment and furnishing thereof, conforming faithfully to such plan and design, and said drawings and specifications: *Provided, however,* That of the amount appropriated by this act, not to exceed the sum of ten thousand dollars (\$10,000.00) thereof shall be used by said commission in the equipment and furnishing of said armory building.

Amount
devoted to
equipment.

SEC. 5. No construction, material, equipment or furnishings exceeding \$500.00 in amount shall be furnished except pursuant to bids advertised for in one daily paper for a period of ten days in said city where said armory is to be built. The bid of the lowest and best responsible bidder shall be accepted, saving that the said commission shall have the right to reject any and all bids. The performance of any contract shall be secured by a surety company bond to the State of Washington to a sum not less than one-half of the contract price, said bond to be conditioned for the faithful performance of said contract and to be approved by said commission. Each bid shall be accompanied by a certified check in the sum of five per centum of the amount bid. Said check shall be payable to the chairman of said commission, and shall be forfeited to the state for the use of the military fund upon failure of the bidder, for a period of ten days after any contract

Bids for
contracts.

Bond
securing
performance
of contract.

Annulment
of contracts.

is awarded, to enter into proper contract and furnish satisfactory bonds as required by law. Said commission shall in all contracts, reserve the right, for good cause shown, to annul such contracts and to enter upon the premises and take possession for the purpose of completing the work comprehended under such contracts, of all materials, tools and appliances thereon and to employ any other person or persons to finish said work and to provide the materials therefor. All said contracts shall further provide that in case of annulment thereof as aforesaid the contractor shall not be entitled to receive any further payment under such contracts until the work comprehended therein shall be wholly finished, at which time if the unpaid balance of the amount to be paid under said contract shall exceed the expenses incurred by the commission in finishing said work such excess shall be paid to the contractor, but if such expense shall exceed such unpaid balance, the contractor shall pay the difference to the State of Washington for the use of the military fund. Such a per centum not less than twenty per centum as the commission shall deem proper, shall be reserved from payment on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of said commission, and the directions, plans, drawings and specifications of the work executed and carried out by skilled and reputable architects, artists, mechanics and laborers, likewise to the satisfaction of the commission.

Per centum
withheld on
monthly
estimates.

Architect,
compensation
and duties.

SEC. 6. The architect chosen by said commission shall receive such compensation for his plans, drawings, specifications and work of supervision as said commission shall deem reasonable: *Provided*, Such compensation shall in no event exceed five per centum of the cost of said armory building. He shall be supervising architect of said building and of all contracts for the construction, erection, equipment and furnishing thereof. He shall see that all material and equipment furnished and all work done is

of the best quality, and that all contracts with said commission are faithfully performed by the parties so contracting with said commission. He shall perform all other duties devolving upon him as such architect, and the supervising architect of said building, and may be removed at the pleasure of said commission. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material or equipment furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish a surety company bond to the State of Washington in the sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

Bond of
architect.

SEC. 7. All disbursements on account of the construction, equipment and furnishing of said armory provided for in this act shall be made pursuant to certificates issued by said commission. All claims, bills and demands for labor performed, work done or material or equipment furnished, shall be presented to the commission in triplicate, and shall be passed upon by the said commission after a careful examination of every item named. If found correct they shall audit the same, preserving one copy and transmitting the other two copies as audited and allowed, to the state auditor, and shall issue a certificate to the effect that the services have been rendered or materials or equipment furnished, and the person named therein is entitled to a warrant on the treasury for the amount therein named. Upon a presentation of said certificate and duplicate of the vouchers therefor as audited and approved by said commission as herein provided, to the state auditor, said state auditor shall draw his warrant on the state treasury upon the military fund, for the amount named in said certificate, and the state treasurer is hereby authorized to pay said warrant for the amount stated, and to the order of the person named in said certificate: *Provided*, That no certificate shall be issued in excess of

Disbursement
certificates.

Issuance and
payment of
warrants.

the amount appropriated for said armory. All certificates issued shall be recorded in a book kept by said commission for that purpose.

Legal
adviser.

SEC. 8. The attorney general shall be the legal adviser of the commission herein constituted.

Rules and
regulations.

SEC. 9. The commander-in-chief is hereby authorized to make such rules and regulations as he may deem expedient to govern said armory, but such rules and regulations shall conform to this act. When promulgated, they shall have the same force and effect as this act.

Passed the House March 2, 1917.

Passed the Senate March 5, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 110.

[H. B. 256.]

LIENS ON ORCHARD LANDS.

AN ACT relating to cultivating, pruning, spraying and caring for orchard and orchard lands, and granting a lien on such land for labor done in connection therewith, and providing for the enforcement thereof.

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

Right
of lien.

SECTION 1. Any person or corporation who shall do or cause to be done any labor upon any orchard or orchard lands, in pruning, spraying, cultivating and caring for the same, at the request of the owner thereof, or his agent, shall have a lien upon such orchard and orchard lands for such work and labor so performed.

Lien
claims.

SEC. 2. Any person or corporation claiming the benefit of this chapter, must within 40 days after the close of such work or labor for each season during which such work and labor is done, file for record with the county auditor of the county in which said work and labor was performed and in which said land or part thereof is situated, a claim of lien which shall be in sub-

stance in accordance with the provisions of section 1134 of Rem. & Bal. Code, so far as the same is applicable, which said claim of lien shall be verified as in said section provided, and such lien may be enforced in a civil action in the same manner as near as may be, as provided in section 1140 of Rem. & Bal. Code. Enforcement.

SEC. 3. Any action to foreclose such claim of lien shall be brought within eight calendar months after the filing of such claim for lien as provided in section 2 hereof and in any such action brought to enforce such lien, the court shall allow as part of the costs the money paid for making, filing and recording such claim of lien and a reasonable attorney's fee. Limitation on action.
Costs and attorney fees.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 111.

[H. B. 138.]

BREEDING CATTLE ON OPEN RANGES.

AN ACT relating to the public range, regulating the breeding of cattle thereon, and providing penalties for the violation of this act.

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

SECTION 1. It shall be unlawful for any person, firm, association or corporation to turn upon or allow to run upon the open range in this state any bull other than a registered pure bred bull of a recognized beef breed. Bulls on open ranges to be pure bred.

SEC. 2. That before any person, firm, association or corporation shall turn upon the open range in this state any female breeding cattle of more than fifteen in number, two years old or over, they shall procure and turn with said female breeding cattle one registered pure bred bull of recognized beef breed for every forty females or fraction thereof of twenty-five or over: *Provided, however,* Proportion of bulls to cows.

That this act shall not apply to counties lying west of the summit of the Cascade mountains.

Penalty. SEC. 3. Any person, firm, association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor.

Time of taking effect. SEC. 4. This act shall be in force and take effect from and after June 1st, 1918.

Passed the House February 24, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 112.

[S. B. 93.]

REGISTRATION AND LICENSING OF STALLIONS AND JACKS.

AN ACT relating to the registration of stallions and jacks, amending sections 1, 2, 4 and 5 of chapter 99 of the Laws of 1911, and repealing section 8 of chapter 99 of the Laws of 1911.

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

SECTION 1. That section 1 of chapter 99 of the Laws of 1911 be amended to read as follows:

Enrollment of stallions and jacks. Section 1. Every person, firm or corporation owning any stallion, or jack, for sale, exchange or for public service in this state, shall cause the name, description and pedigree as far as may be known of such stallion or jack to be enrolled by the department of agriculture of the State of Washington, and procure a certificate of such enrollment from said department, which shall thereupon be presented to and recorded by the auditor of the county in which said stallion or jack is used for public service.

License for public service. In order to obtain the license certificate herein provided for, the owner of each stallion or jack shall obtain a certificate of soundness, signed by a veterinarian registered to practice in the State of Washington and authorized to issue such certificate by the commissioner of agri-

culture, for which certificate the veterinarian shall be entitled to charge a fee of not to exceed five dollars (\$5.00) and his actual and necessary traveling expenses in going to and returning from the place where such examination is made and shall forward the veterinarian's certificate, together with the stud book certificate of registry of the pedigree of the said stallion or jack, and other necessary papers relating to his breeding and ownership to the department of agriculture.

Certification
by veteri-
narian.

The presence of any of the following named diseases shall disqualify a stallion or jack for public service: bone spavin, ringbone, sidebone, navicular disease, bog spavin, curb with curby formation of hock, glanders, farcy, maladie due coit, urethral gleet, mange, or melanosis; and the department of agriculture is hereby authorized to refuse its certificate of enrollment to any stallion or jack affected with any of the diseases here specified and to revoke the previously issued enrollment certificate of any stallion or jack found on investigation by the department to be so affected.

Diseases
disqualifying
for public
service.

SEC. 2. That section 2 of chapter 99 of the Laws of 1911 be amended to read as follows:

Section 2. The commissioner of agriculture shall examine and pass upon the merits of each pedigree submitted, and shall use as his standard for action the stud books and signatures of the duly authorized officers of the various horse or jack pedigree registry associations, societies or companies recognized by the department of agriculture of this state, and shall accept as purebred and entitled to a license certificate as such, each stallion or jack for which a pedigree registry certificate is furnished bearing the signature of the duly authorized officers of a recognized and approved stud book.

Determina-
tion of
pedigree.

SEC. 3. That section 4 of chapter 99 of the Laws of 1911 be amended to read as follows:

Section 4, Subdiv. 1. The license certificate issued for a stallion or jack whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book

Form of
license for
pure bred
stallions
and jacks.

recognized by the department of agriculture, shall be in the following form:

The department of agriculture of the State of Washington. Certificate of purebred stallion or jack No.....

The pedigree of the stallion or jack (name).....

Owned by.....

Described as follows:

(Color) (Breed)

Foaled in the year , has been examined and it is hereby certified that the said stallion or jack is of pure breeding and is registered in a stud book recognized by the department of agriculture of the State of Washington.

(Signature).....

Commissioner of Agriculture.

Subdiv. 2. The license certificate issued for a stallion or jack whose sire or dam is not of pure breeding shall be in the following form:

Department of agriculture of the State of Washington. Certificate of grade stallion or jack No.....

The pedigree as far as may be known of the stallion or jack (name)

Owned by

Described as follows:

(Color)

Foaled in the year , has been examined and it is found that the said stallion or jack is not of pure breeding and is therefore, not eligible for registration in any stud book recognized by the department of agriculture of the State of Washington.

(Signature).....

Commissioner of Agriculture.

Subdiv. 3. The license certificate issued for a stallion whose sire and dam are pure-bred, but not of the same breed, shall be in the following form:

Department of agriculture of the State of Washington. Certificate of cross-bred stallion No.....

The pedigree of the stallion (name)

Owned by

Form for studs not of pure breeding.

Form for pure cross-bred stallions.

Described as follows:

(Color)

Foaled in the year , has been examined and it is found that his sire is registered in the..... and his dam in

Such being the case, the said stallion is not eligible for registration in any stud book recognized by the department of agriculture of the State of Washington.

(Signature).....

Commissioner of Agriculture.

Subdiv. 4. The license certificate issued for a non-standard-bred stallion shall be used in the following form:

Department of agriculture of the State of Washington. Certificate of non-standard-bred stallion No.....

Form for non-standard-bred stallion.

The pedigree so far as may be known of the stallion (name)

Owned by

Described as follows:

(Color)

Foaled in the year , has been examined and it is found that the stallion is not eligible to registration as standard-bred, and for the purpose of the license is not pure-bred, although recorded in a non-standard department of the American Trotting Register.

(Signature).....

Commissioner of Agriculture.

SEC. 4. That section 5 of chapter 99 of the Laws of 1911 be amended to read as follows:

Section 5. Each bill and poster issued by the owner of any stallion or jack enrolled under this act, or used by him or his agent for advertising, shall have such stallion's or jack's certificate of enrollment printed in bold-face type, not smaller than long primer, on said bill or poster, and the first mention thereon of the name of the stallion or jack shall be preceded by the words: "Pure-bred," "grade," "cross-bred," or "non-standard-bred," in accordance with the wording of the certificate of enrollment; and

Advertisements and posters to set forth registration.

it shall be illegal to print upon the poster any misleading reference to the breeding of the stallion or jack, his sire or his dam, or to use upon such bill or poster a portrait of a stallion or jack in a misleading way; and each newspaper advertisement printed to advertise any stallion or jack for public service shall show the enrollment certificate number and state whether it reads "pure-bred," "grade," "cross-bred," or "non-standard-bred."

Enrollment
and license
fees.

A fee of two dollars (\$2.00) shall be paid to the department of agriculture for the examination and enrollment of each pedigree and for the issuance of a license certificate, in accordance with the breeding for the stallion or jack as above provided.

Renewal of
licenses.

A renewal of each license certificate issued under the provisions of this act shall be obtained from the commissioner of agriculture on the thirty-first day of December of the year following the year in which such certificate was issued and every two years thereafter, by filing with the commissioner of agriculture a new certificate of soundness, issued within thirty days prior to the application for such renewal by an authorized veterinarian, and the payment of a fee of one dollar (\$1.00).

Transfer of
enrolled
stallions
or jacks.

Upon the transfer of the ownership of any stallion or jack enrolled under the provisions of this act, the certificate of enrollment may be transferred to the transferee by said department upon submittal of satisfactory proof of such transfer and upon payment of the fee of fifty cents (50c); and a fee of fifty cents (50c) shall be charged for a duplicate license certificate issued where proof is given of loss or destruction of the original certificate.

Repealing
clause.

SEC. 5. That section 8 of chapter 99 of the Laws of 1911 be, and the same is, hereby repealed.

Passed the Senate February 5, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 113.

[H. B. 147.]

DELINQUENT TAX CERTIFICATE FORECLOSURE BY
COUNTIES.

AN ACT relating to the foreclosure of delinquent tax certificates, regulating the price for publication of notices thereof, and amending section 9257 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9257 of Rem. & Bal. Code be amended to read as follows:

Section 9257. After the expiration of five years from the date of delinquency, when any property remains on the tax-rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county, and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county commissioners shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: *Provided*, That summons may be served or notice given exclusively by publication in one general notice, describing the property as the same is described on the tax-rolls. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made co-defendants in said action, and if unknown may be therein named as unknown owners, and the publication of such

Delinquency
certificates
to county.

Foreclosure
by county.

Issuance of
one certifi-
cate covering
all delin-
quents.

Parties.

notice shall be sufficient service thereof on all persons interested in the property described therein. The names of the person or persons appearing on the treasurer's rolls as the owner or owners of said property for the purpose of this chapter shall be considered and treated as the owner or owners of said property, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder. The publication of the summons or notice required by this section shall be made by the county treasurer in the official newspaper of the county: *Provided*, The price charged by any such newspaper for such publication, for the whole number of issues, shall not exceed in any case the price stated in the contract of the county with such newspaper for county printing, and that, if such publication cannot be made in said newspaper at said price, the county treasurer may cause such publication to be made in any other newspaper printed, published and of general circulation in the county, at a cost for the whole number of issues not to exceed in any case the maximum rate for county printing fixed by contract for such year.

Publication
of notice.

Passed the House March 2, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 114.

[H. B. 149.]

COUNTY PRINTING.

AN ACT relating to county printing, and amending sections 3912 and 3913 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3912 of Rem. & Bal. Code be amended to read as follows:

Section 3912. In all counties where two or more weekly, semi-weekly or daily newspapers are published, it shall be the duty of the county commissioners, at their April meeting each year, to let the advertising and official publication of all notices to the publisher thereof who is the best and lowest responsible bidder: *Provided*, That in all cases the county commissioners shall consider the question of circulation in awarding the county printing contract, with a view to giving said printing the widest publicity; and no newspaper shall be eligible as a competitor, nor shall a contract be let to any newspaper, unless the same shall have been established, published and circulated in the county for at least six months, and has a general and *bona fide* circulation throughout the county in which it is published: *Provided, further*, That in counties where there is no newspaper published, the commissioners of such county shall cause the printing of said county to be done in some newspaper in the state, of general circulation in the county, having no resident newspaper, and the newspaper to which such contract is let, shall be designated as the official newspaper of the county: *Provided further*, That the county commissioners shall require a bond in double the amount involved in the contract, for the correct and faithful performance of all such contracts and the work to be done thereunder: *Provided further*, That the term of the successful bidder shall not commence until the first day of July succeeding the letting of such contract.

Bids
required.

Circulation
to be
considered.

Counties
with no
newspapers.

Bond for
performance.

SEC. 2. That section 3913 of Rem. & Bal. Code be amended to read as follows:

Advertising
for bids.

Section 3913. It shall be the duty of the county auditor, at least five weeks before, and not more than eight weeks before the meeting of the county commissioners in April of each year, to advertise for proposals for the public printing, for the term of one year, beginning on the first day of July following, which advertisement shall be inserted for four consecutive weeks in the official newspaper of the county, or if there be no official newspaper, then in some other newspaper published in the county, or in a county, adjacent to said county, and having a general circulation in said county: *Provided*, That the county commissioners shall not be compelled in any event to accept any bid for a greater price than one dollar per square, of two hundred and fifty ems, nonpareil, for the first insertion, straight matter, and fifty cents per square for each subsequent insertion: *Provided further*, That the county auditor, when calling for bids, shall state how the matter shall be set, what kind of type, and whether solid or leaded.

Passed the House March 2, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 115.

[H. B. 328.]

PRACTICE OF LAW AND LICENSING OF ATTORNEYS.

AN ACT relating to the practice of law, providing for the licensing of attorneys and counselors of law and of licensed law clerks, or for the suspension or revocation of such licenses heretofore or hereafter to be issued, creating a board of law examiners, defining its powers and duties, making unlawful any violations of this act, and repealing sections 119, 120, 121, 122, 123, 124, 125 and 126 of Remington & Ballinger's Annotated Codes and Statutes of Washington and of the supplement (1913) thereof.

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

SECTION 1. No person shall be permitted to practice as an attorney or counselor at law, or to commence, conduct or defend any action or proceeding in which he is not a party in interest in any of the courts of this state either by using or subscribing his own name or the name of any other person, or to give advice on legal matters or to do work of a legal nature for a fee or as a business, or to solicit business or to advertise or represent himself in any way, as an attorney or counselor at law, unless he is a citizen of the United States and a resident of this state and he has been previously admitted to practice law in the courts of this state, and is in good standing therein: *Providing, however,* Attorneys who are residents of other states may appear in the courts of this state without formal admission upon satisfying the courts before which they appear that their respective states grant the same rights to attorneys from this state: *Provided, further,* That licensed law clerks may appear in the courts of this state subject to such limitations as are hereinafter provided.

Persons
permitted to
practice law.

SEC. 2. No person shall hereafter be admitted to practice law in this state except upon an order of the supreme court to be issued upon the findings and recommendations of the state board of law examiners as hereinafter provided.

Admissions
to practice
on order of
supreme
court.

State board
of law
examiners.

SEC. 3. There is hereby created a state board of law examiners composed of three members of the bar, no one of whom shall have been admitted to practice in the highest courts of this state for a lesser period than five years next preceding his appointment. He shall be well qualified in general education and in legal fitness for the examination of applicants for admission to the bar, and for the enforcement of the law and the ethics relating to attorneys and counselors at law within this state.

Appoint-
ment and
terms of
examiners.

SEC. 4. The board for the examination of applicants for admission to the bar in existence at the time of taking effect of this act shall continue to be the state board of law examiners for the remainder of the respective terms for which they were appointed, and upon the expiration of the term of office of each member the supreme court shall make an appointment to fill such vacancy, which appointment shall be for a term of three years, and thereafter, at the expiration of any term of office of a member a like appointment shall be made for a term of three years. Appointments to fill vacancies for an unexpired term shall be only for the remainder of the term. No member shall succeed himself more than once. Each member of the board shall on entering upon the duties of his office take and subscribe to an oath to support the constitution of the state and of the United States; that he will use every endeavor to permit only honest and upright persons to practice law in the state; will justly and impartially pass upon all charges of immoral or unprofessional conduct against any attorney or counselor of law; will endeavor to enforce the laws relating to the practice of the law in this state; and will perform the duties otherwise imposed upon him by his office to the best of his ability. This oath shall be filed with the clerk of the supreme court.

Oath of
examiners.

Office and
secretary
of board.

SEC. 5. The board shall have its office with the clerk of the supreme court, who shall act as secretary for the board, unless the board shall designate some other person to act as secretary, but the records of the board shall be kept in the office of the clerk where all applications for

admission to the bar and all complaints or other matters affecting the rights of persons to practice law in this state shall be filed. The board shall hold meetings at the Temple of Justice at the state capital, commencing on the third Wednesday of May and October of each year for the purpose of conducting examinations and of passing upon formal applications for admission to practice law in this state, but the board may provide that not oftener than twice in any one year examinations may be held at other places than the state capital and to authorize any one or more of the members of the board to conduct such examinations and to report to the board thereon: *Provided however*, That the holding of the same examinations in two or more different cities at the same time shall be deemed but one examination as herein defined. Other meetings may be held from time to time and the board may designate one or more of its members to appear for and represent the board in any matter or proceeding or to make any investigation deemed by the board advisable. Each member of the board shall be allowed his actual traveling expenses and ten dollars per day for each day actually engaged in the performance of his duties.

Meetings.

Per diem and expenses.

SEC. 6. The board shall pass upon all applications for the right to practice law before the courts of this state, and when satisfied that an applicant has the general, legal and moral qualifications necessary to qualify him to practice as an attorney and counselor at law, it shall so certify to the supreme court, and upon such certification, unless objection be raised thereto, or if raised and the court shall find such objection insufficient, the court shall make an order admitting such applicant and shall issue to the applicant a certificate under the seal of the court evidencing such admission.

Certification of applicants to supreme court.

SEC. 7. Applicants shall be divided into the following classes:

Classification of applicants.

(a) Graduates of the law school of the University of Washington;

(b) Graduates of other approved law schools within the state of equal standing and of student qualification and hours of study to that of the law school of the University of Washington;

(c) Students of law offices within the state;

(d) Graduates of law schools without the state of approved standing;

(e) Students of law schools of approved standing;

(f) Students of law schools not of approved standing;

(g) Students of law offices outside the state;

(h) Students of one or more of the above classes;

(i) Attorneys of other states who have been actively engaged in the practice of law in their respective states and have practiced in or been entitled to practice in the highest courts of record of their states for five years or more next preceding the filing of their applications to practice in the courts of this state;

(j) Attorneys of other states who have been actively engaged in the practice of law in their respective states and who have been admitted to practice in the highest courts of record thereof for a lesser period than five years, but more than three years;

(k) Attorneys of other states who have been admitted to practice in the highest courts of record of their respective states but for a lesser period than three years.

SEC. 8. Applicants may be admitted on accredited certificates or upon examination. An accredited certificate shall be:

(1) A certificate from the clerk or other certifying officer of the highest court of record of another state, under the seal of such court, showing the applicant to have been entitled to practice therein for five years or more next preceding the date of such certificate together with a certificate from the chief justice or other member of such court, under the seal of the court, certifying that

Admission
upon
accredited
certificates.

the applicant is in good standing at the bar of such court and is an honorable and worthy member of the profession ;

(2) A diploma of graduation from the law school of the University of the State of Washington ;

(3) A diploma of graduation from an approved law school within the state of equal standing and of student qualification and hours of study to that required of the law school of the University of Washington.

The accrediting of certificates or diplomas of any state or school, as herein provided, may be suspended, annulled or revoked at any time by the board; and no privileges or concessions shall be allowed attorneys or applicants of other states unless their respective states grant as favorable terms to the attorneys or applicants from this state. "State" as herein used shall include territories or districts of the United States in the discretion of the board.

Comity between states.

SEC. 9. The board shall outline from time to time courses of study in general subjects, and shall suggest methods and means of qualifying applicants for the study of law to the end that all persons may have reasonable opportunities to acquire such preliminary qualification. It may approve courses of study in public or private schools, if found satisfactory to properly qualify persons for the study of law, and any applicant finishing such course or courses so approved shall be deemed qualified in general education to undertake the study of law. No person shall be registered as a law student until he shall have received a certificate from the board, or a certificate recognized by the board, evidencing a general education sufficient to properly qualify such applicant for the study of the law.

General education preliminary to law studies.

SEC. 10. The board shall examine from time to time the courses of study of and the work done by the various law schools, whether within or without the state, and determine what schools shall be deemed approved law schools as specified in this act: *Provided*, No school shall be so approved unless the board shall determine that such school

Determination of approved law schools.

is at least equal in student qualification and hours of work required to that of the University of Washington school of law, or to that required by the American Association of Law Schools. All applicants who have completed the course in an approved law school within this state with a record of excellent work done, or who have grades equal to or above such standard as may be set by the board, may, in the board's discretion, be recommended for admission without further examination. No person, except an applicant whose application is based on an accredited certificate, shall be admitted to practice in the courts of this state until he shall have served at least one year as a licensed law clerk. The board shall fix the credits of time that shall be allowed for study in any other than an approved law school, or for study in an approved law school less than a full course, or for office study or other method that may be pursued, before an applicant may be admitted to an examination, with a view of equalizing as nearly as practicable the different methods of qualifying the applicant for the practice of the law and the intelligent handling of business of clients and of the public generally.

Admission
without
examination.

Fixing time
credits for
studies.

Registration
of students.

Examina-
tions.

SEC. 11. The board shall provide for a registration of students other than those in approved law schools and shall outline a course of study for such students, dividing the course into yearly periods and designating the subjects for each year's course. Examinations shall be held on each year's course, and no person shall be permitted to take an examination on the second year's course, nor to take the examination in any other year's course until one year after he shall have completed the preceding year's course: *Provided, however,* That applicants under subdivision "a," "b," "d," "i," and "j" of section 7 may be permitted to take the examination on all the subjects at the same time, and that applicants "e," "f," "g," "h" and "k" may take examinations on all but the last year's subjects at the same time: *Provided,* These applicants shall be otherwise qualified as in this act required, and shall have complied with the rules of the board

in relation thereto: *And provided further*, Applicants under subdivision "e" from an approved law school within this state and applicants under subdivision "j" may be admitted as licensed law clerks without examination under such rules and regulations as the board may provide consistent with the provisions of this act.

SEC. 12. Upon successfully passing a final examination the applicant unless he holds an accredited certificate shall be given a certificate as law clerk, which shall entitle him to represent duly admitted attorneys or to assist them in matters before the courts, or in the preparation of cases for trial, but shall not authorize him to conduct any business as attorney or counselor at law in his own name. After one year of such service, upon a proper showing to the board that he has served at least that time in assisting attorneys and familiarizing himself with the procedure of our courts, the board being satisfied that he is a proper and well qualified person to practice law shall certify his name to the court for final certificate of admission. An applicant on an accredited certificate from another state shall, upon approval of his application, be admitted temporarily for one year, at the end of which time, the board being satisfied that such applicant is of good moral character and a proper person to practice law in this state, shall, if requested, certify his name to the supreme court for a permanent certificate, which court, unless objection be raised thereto, or if raised and the court shall find the same to be insufficient, shall issue a permanent certificate.

Law clerk certificates.

Admission after one year's service.

Temporary admission of applicants from other states.

SEC. 13. The board shall make such rules as may be necessary to protect those who are preparing for admission to the bar at the time of taking effect of this act, and all such who shall register with the board on or before January 1, 1918, shall be governed by the rules of the board so made notwithstanding the provisions of this act.

Board rules to govern students registering prior to year 1918.

SEC. 14. Every person before being admitted to practice law in this state shall take and subscribe the following oath:

Oath of
attorneys.

I do solemnly swear :

I will support the constitution of the United States and the constitution of the State of Washington ;

I will maintain the respect due to courts of justice and judicial officers ;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe [believe] to be honestly debatable under the law of the land ;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law ;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval ;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged ;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.

Admission
fee.

SEC. 15. The fee for admission to the bar shall be twenty-five dollars which must be paid at the time of filing application for admission, but the board may provide that part of such fee shall be paid at any examination prior to the final examination, and if so paid shall be credited to the applicant as part payment of the whole fee. The payment of any fee shall entitle the payer without the payment of any additional fee to take any subsequent examination for the same year's course, or other like examination to the one for which the fee was paid. The fee shall be paid to the clerk of the supreme court, as secretary of the board, and shall be accounted [for] as other

Partial
payments.

fees of the clerk's office: *Provided*, That in case of graduates of the law school of the University of Washington a receipt from the dean of such school showing that the fee had been paid to him for the use of the library of said school, shall be deemed equivalent to the fee for the purpose of issuing a certificate of admission.

SEC. 16. Any misrepresentation or falsification made by an applicant for admission, in his application, or in connection therewith, shall be deemed sufficient grounds for revocation. Any right to practice or certificate of admission granted under the provisions of this act or under any former act or acts may be revoked or suspended at any time for a violation of his oath of office or of the provisions of this act, or other unprofessional conduct, for any conduct involving moral turpitude, or for any other sufficient cause.

Revocation of admission.

SEC. 17. The board shall enforce all the laws and ethics relating to the duties of attorneys, or other persons practicing or claiming the right to practice law, or to act as licensed law clerks, within this state. All complaints alleging acts of immoral or unprofessional conduct, or conduct in violation of the purpose and spirit of this act shall be filed with the board by any person knowing of such acts or conduct, or by the board itself upon its own motion. Upon the presentation of such complaint if deemed by the board sufficient a notice shall be sent to the person complained of, giving the time and place for such hearing, at which time and place such hearing shall be conducted. The board may continue or adjourn such hearing from time to time and may delegate the taking of testimony or the making of any investigation to any one or more members of the board.

Enforcement of laws and ethics governing attorneys.

Hearing of complaints.

SEC. 18. For the purposes of this act the board or any member thereof shall have the power to issue subpoenas for the attendance of witnesses or the production of books or documents. Such subpoenas shall be served in the manner of serving subpoenas in civil cases in the

Subpoenas for witnesses.

superior courts of this state and the person so served shall comply with the requirements of such subpoena. The defendant shall be allowed the usual defenses and the issuance of such subpoenas as he may desire and as the board or member or members conducting such hearing may deem necessary. Witnesses shall testify under oath, which oath may be administered by any member of the board, and testimony shall be taken in writing or by deposition under such rules as the board may provide. The prosecuting attorney of the county in which the defendant resides shall assist the board in the conduct of its hearings, or the board may request the attorney general to assist in such hearings, and when so requested it shall be his duty to so assist. When feasible the court reporter or stenographer authorized to report the proceeding in courts within the county where the defendant resides shall be the reporter for hearings conducted by the board, or the members thereof, as in this act provided; and such county, upon the approval by the court or presiding judge thereof, shall be liable for the witness and stenographer fees and other like expenses incurred in the conduct of such hearings. The board shall make findings upon the evidence produced, and shall, if deemed justified, suspend or annul the license of such person to practice law, or to act as licensed law clerk. If the board shall find that the person complained of has no lawful license issued by the authority of this state it shall report the same to the prosecuting attorney of the county where the party complained of resides and it shall be the duty of such prosecuting attorney to file an information and to prosecute the same against such accused.

SEC. 19. Any person whose license has been annulled or revoked may petition the supreme court of the state to review the findings of the board and to reverse or modify the same, in which event the board shall file with the supreme court a complete transcript of the evidence and proceedings of the case together with its findings, which findings shall constitute a *prima facie* case, and the burden shall be on the appellant to show wherein such order

Duty of prosecuting attorney and attorney general to prosecute.

Suspension or annulment of license.

Review by supreme court.

of the board was unlawful. The supreme court shall fix rules for the procedure in such appeals and shall after hearing render judgment therein. If it shall find that the order of the board was not in accordance with law the court shall reverse or modify same; or may remand the same to the board for further investigation and consideration. But if the board did not exceed its authority and the appellant had a fair trial the court shall affirm the order of the board. In all cases where a license is suspended or annulled the clerk of the supreme court shall notify the clerks of the superior courts throughout the state.

SEC. 20. The code of ethics adopted by the American Bar Association at its annual convention in Seattle in the year 1908 shall be deemed the standard of ethics for the guidance of the members of the bar of this state.

Standard
of ethics.

SEC. 21. The board of law examiners shall make and prescribe from time to time all needful and necessary forms, rules and regulations to properly carry out the provisions of this act. Such forms, rules and regulations shall have the same force and effect as if made a part of this act.

Necessary
forms, rules,
and
regulations.

SEC. 22. No person shall be denied the privileges of this act, nor exempt from the duties or obligations imposed thereunder, on account of sex.

Equality
of sexes.

SEC. 23. Every attorney and counselor at law in this state shall register annually with the clerk of the court of the county in which he resides or has his principal place of business, which registration shall be done in person, by agent, or by mail, and shall show the name of the attorney, the firm of attorneys with which he is connected, if any, the office address of such attorney. The clerk shall provide a book for such registration and shall register the same therein in alphabetical arrangement as nearly as possible. Such book may be ruled so that after the first registration only the date of subsequent registration shall be shown, except when a change in the address or firm connections has taken place. The fee for each annual registration shall be one dollar and any attorney who shall have failed

Annual
registration
of attorneys.

Registration
fee.

to register before the first day of February in any year shall be deemed to have forfeited his rights as an attorney and counselor at law of this state from such date until such registration shall have been made and the fee paid, but such forfeiture shall not be construed to affect the rights of litigants or others for whom such delinquent shall have acted. All fees collected as in this section provided shall be paid in to the county treasury into a fund to be known as the county law library fund to be used for the purchase of law books for a bar library for such county.

Violations
of act.

SEC. 24. Any violation of the provisions of this act or of the rules which shall be made in conformity therewith are hereby declared to be unlawful.

Repealing
clause.

SEC. 25. Sections 119, 120, 121, 122, 123, 124, 125 and 126 of Remington and Ballinger's Annotated Codes and Statutes of Washington and of the supplement (1913) thereof are hereby repealed.

Passed the House March 5, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 116.

[H. B. 316.]

INDEPENDENT HIGHWAY DISTRICTS FOR TRUNK-LINE HIGHWAYS.

AN ACT relating to the establishment of independent highway districts, organization and administration thereof, the construction and maintenance of trunk line highways, the issuance and sale of bonds, and the assessment and collection of taxes therefor.

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

Authority to
organize.

SECTION 1. Whenever twenty-five or more persons who are the owners of lands so situated that the most feasible means of affording transportation to market from such lands would be the construction of a trunk line highway

leading from the neighborhood of said lands to a connection with navigable water or existing lines of railway or existing highways connecting therewith, and the lands bordering upon the route of said proposed highway are of such character or value, or so situated with reference to said proposed highway, that no considerable portion of the cost of said highway can be assessed against the lands bordering thereon on account of benefits thereto, and the lands belonging to said persons, and other lands, are so situated that they will be specially benefited by the construction and maintenance of said highway, and the owners of such lands shall desire to provide for the construction and maintenance of such trunk line highway, they may propose the organization of a highway district under the provisions of this act; and when so organized, such district shall have the power conferred, or that may hereafter be conferred by law, upon such highway district.

SEC. 2. For the purpose of organizing a highway district under the provisions of this act, a petition, signed by twenty-five or more holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries of such district, and the route and termini of the proposed highway, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as a highway district under the provisions of this act. The petition shall be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of probable cost of organizing the district, and condition [conditioned] that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the board of county commissioners, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the

Petition to
county com-
missioners.

Publication
of notice.

same is to be presented, in the official county newspaper of the county where such petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented, and if any portion of the lands within said proposed district lie within another county or counties, then the petition and notice shall be published for the time above provided in the official county newspaper printed and published in each of the said counties. When the petition is presented, the board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the boundaries to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, so situated as to be easily accessible to the proposed highway by the existing public highways or so situated that it is feasible to construct public highways leading from the said territory to the proposed highway; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district. The board of county commissioners, as soon as it has established the boundaries of said proposed district, shall enter an order establishing and defining such boundaries, and ordering that three directors for said district be elected from the district at large, and calling an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act, and for the purpose of electing three directors at large, and designating the number of the proposed district, being the serial number in the order of time of its formation among the highways districts of the county formed under this act, and thereafter such district shall be designated as "Independent Highway District No., of county." The clerk of the board of county commissioners shall then

Hearings.

Establishment of boundaries of district.

Organization election.

give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, shall be published once a week, for at least two weeks prior to said election, in the official county newspaper published in the county where the petition aforesaid was presented; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in a like manner in the official newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Independent Highway District—Yes," and "Independent Highway District—No," and also the names of persons to be voted for as directors of the district, nominated by the petitioners. Notice.

SEC. 3. For the purposes of the election above provided for, the board of county commissioners shall establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place and appoint the necessary election officers for each of said precincts, but said precincts may thereafter be changed by the board of directors of said district. Such election shall be conducted as nearly as may be practicable in the manner provided by law for conducting school district elections, and the election officers of the various precincts shall make and file returns of the votes cast at said election with the clerk of the board of county commissioners. The board of county commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the vote cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast were for "Independent Highway District—Yes," the board shall, by an order entered on its minutes, declare said territory duly organized as an independent highway district, under the name and style theretofore designated, and shall declare the three persons receiving the highest number of Election precincts.

Mode of conducting election.

Canvass of votes.

votes, to be duly elected directors of such district, and shall cause a copy of such order, duly certified, to be filed for record in the office of the county clerk of each county in which a portion of the district may lie. From and after the date of filing of such order, the organization of the district shall be complete and the directors thereof shall be entitled to enter immediately upon the duties of their office, upon qualifying in the manner hereinafter provided, and shall hold office until their successors are elected and qualified. Any person of the age of twenty-one years, being a citizen of the United States, and a resident for ninety (90) days of the county in which any of the lands of the district may lie, and who holds title to land or evidence of title to land embraced within the boundaries of the district, or proposed district in the case of an election for the organization thereof, shall be entitled to vote at any election held therein, called for any purpose. Additional qualifications for voting, required by the general election laws of the state shall not apply: *Provided*, There shall be no denial of the right to vote on account of sex.

Voting qualifications.

SEC. 4. The directors elected at the election for the organization of an independent highway district shall hold office until, and for the term of one, two and three years respectively, from and after the first Monday in April in the year following their election, and one member of the board of directors shall be elected for the term of three years at an annual election to be held in the district on the first Monday in March in the year following the organization of the district. In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath to faithfully discharge the duties of his office and shall exe-

Tenure of office of directors.

Oath and bond of directors and secretary.

cute an official bond to the district in the sum of twenty-five hundred dollars (\$2,500.00) conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was effected, and said oath and bond shall be recorded in the office of the county clerk of the said county and filed with the secretary of the board of directors. The secretary of the board shall take and subscribe a written oath of office and execute an official bond in the sum of twenty-five hundred dollars (\$2500.00), which said bond shall be approved and filed as in the case of the bond of the director.

SEC. 5. Fifteen days before any election held under the provisions of this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places for each precinct. Prior to the time for posting the notices, the board shall appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that time may appoint the board, or supply the place of any absent member thereof. The board of directors shall, in its order appointing the board of election, designate the house or place within the precinct where the election shall be held; and all elections shall be held and the votes cast thereat canvassed and returned to the board of directors in the same manner, as near as may be, as is provided by law for holding school district elections.

Elections
subsequent to
organization.

Notice.

Election
officers.

Polling
places.

SEC. 6. The board of directors shall meet at its usual place of meeting on the first Monday after each election

Canvass of
returns.

to canvass the returns and, having made the canvass, shall declare the result thereof, and the secretary of the board of directors shall, as soon as the result is declared, enter in the records of the board a statement of such result, which statement shall show:

- (1) The whole number of votes cast in the district;
- (2) The names of the persons voted for;
- (3) The office to fill which each person was voted for;
- (4) The number of votes given in each precinct to each of such persons;
- (5) The number of votes given in each precinct for or against any proposition voted for.

The board of directors shall declare elected the person having the highest number of votes cast for each office. The secretary shall immediately make out, and deliver to such person a certificate of election signed by him and authenticated by the seal of the district.

SEC. 7. The board of directors shall elect a president from among their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the board and principal place of business of the district shall be at some place in the county in which the organization was effected, to be designated by the board. The board of directors shall hold a regular monthly meeting, at its office, on the first Tuesday of every month, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by a majority of the board, but in case the three members of the board do not join in said order, the secretary shall give the member not joining five days' notice of such meeting. The order or notice calling another meeting shall specify what business shall be transacted and none other than that specified shall be transacted at such meeting. All meetings of the board shall be public. Two members of the board shall constitute a quorum for the transaction of business but in all matters requiring action by the board, there shall be a concurrence of at least two members. All records of the board shall

Office of
board.

Meetings.

be open to the inspection of any elector of the district during business hours. The board shall have power, and it shall be its duty, to adopt a seal of the district, to handle and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary, and prescribe their duties, to establish equitable by-laws, rules and regulations for the government and management of the district, and shall have power to adopt, publish and enforce regulations for traffic on the highway of the district, not inconsistent with general laws, and for a consideration, may grant a common carrier franchise on and over the highway of the district, which may be exclusive, for the purpose of providing adequate transportation facilities, and may realize a revenue therefrom for the maintenance of the highway, and shall have power in the name of the district to enter into contracts for the construction and maintenance of the highway and to acquire lands for the right of way of such highway, or the right to damage lands not taken, by purchase or condemnation in the manner provided by law for the appropriation of lands, real estate or other property by private corporations: *Provided*, That the district, at its option, pursuant to resolution to that end duly passed by its board of directors, may unite in a single action or proceeding for the acquisition and condemnation of different tracts of land, and the court may, on the motion of any party, consolidate into a single action, separate suits, for the condemnation of lands whenever, from motives of economy or expediting of business, it appears desirable so to do: *Provided further*, That there shall be a separate finding of the court or jury as to each tract held in separate ownership.

Inspection
of records.

Powers
and duties
of board.

Consolidation
of
actions to
condemn.

SEC. 8. The board of directors shall have power to take conveyances or other assurances of all property acquired by it under the provisions of this act, in the name of the district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary

Power of
board to
take deeds,
sue and
defend.

or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof; and in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorney, and in the name of the district.

Bond Issue
election.

SEC. 9. For the purposes of construction, reconstruction, betterment or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of this chapter, the board of directors of any such district shall, as soon after such district has been organized as may be practical and whenever thereafter the fund for any such purpose has been exhausted by, or shall appear to be inadequate to meet, the expenditures herein authorized therefrom, and the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district, in the amount so determined, shall be issued. Notice of such election shall be given by posting notices in three public places in each election precinct in said district for at least twenty (20) days prior to the election, and also by publication of such notice in the official county newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notice must specify the time of holding the election, and the amount of bonds proposed to be issued; and said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers: *Provided*, That no informality in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballot

Notice.

Law
governing
election.

shall contain the words "Bonds—Yes," and "Bonds—No," or words equivalent thereto. If the majority of the votes cast are for "Bonds—Yes," the board of directors shall immediately cause bonds in that amount to be issued. If a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Said bonds shall be payable in gold coin of the United States, in ten series, to-wit: At the expiration of eleven years, five per cent of the whole number of bonds; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration of seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent, and shall bear interest at the rate of not to exceed six per cent per annum, to be determined by the board of directors upon competitive bids therefor, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and sealed with the seal of the board of directors. Each issue shall be numbered consecutively as issued and the bonds of each issue shall be numbered consecutively and bear date of issue. Coupons for the interest shall be attached to each bond signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. Immediately upon the authorization of an issue of bonds at an election held as

Bond
requisites.

Sale of
bonds.

Call for bids.

provided in this section, the board of directors shall advertise said bonds for sale and that the same will be sold to the best bidder therefor for cash who shall bid the lowest amount of interest for the whole or any portion of the issue, to be stated in the advertisement. Such advertisement shall be published once each week for four successive weeks in the official county newspaper of general circulation in the county where the district is situated and in a newspaper published and of general circulation in each of the cities of Seattle, Tacoma and Spokane, and any such financial journals as the board of directors may determine, and shall state the amount of the issue of bonds offered for sale and the respective amounts less than the whole for which bids will be received, and that sealed bids, stating the rate of interest bid and accompanied by certified checks for ten per cent of the amount of the bonds bid for, will be received by the secretary on or before, and opened by the board on a date to be fixed in said advertisement. On the date fixed in the advertisement, the board of directors shall meet at the place designated in the advertisement and shall open the bids and award the sale of the bonds to the best bidders therefor, and in case any bidder or bidders shall fail, for ten days after the opening of the bids, to accept the bonds awarded and pay the face value thereof, shall forfeit to the district the certified check accompanying the bid of such bidder and award the bonds to the next best bidder therefor, and when the bonds shall have been accepted and paid for, shall return to the unsuccessful bidders their respective certified checks accompanying their bids. The secretary shall keep a record of all bonds sold, their number, the date of sale, the price received and the name of the purchaser.

Levy of tax to pay bonds and interest.

SEC. 10. For the purpose of carrying out the provisions of this act and the payment of bonds and interest thereon issued under the provisions of this act, as the same shall fall due, the board of directors shall, between the first Monday in March and the first Monday in June of each year, determine the amount of money necessary to

be raised by taxation for the ensuing year, by resolution entered upon the minutes of the board, shall, on or before the first day of July, cause the secretary of the board to file a certified copy of such resolution with the county assessor of the county in which such district is organized, and in case any portion of said district shall live [lie] within another county or counties, shall cause a like certified copy of such resolution filed with the county assessor of each of such counties, and in that case shall also by resolution determine the proportionate amount of the sum to be raised by taxation, which shall be raised in each of said counties, in proportion to the assessed value of the lands within the boundaries of the district situated in each of said counties; and it shall be the duty of the county assessor with whom any such resolution or resolutions are filed, to levy and assess against the land in the district lying within his respective county, the amount of money required to be raised by taxation for the purposes aforesaid, in proportion to the taxable value of the lands, and to extend said taxes so levied and assessed upon the general tax rolls of the county, and such taxes shall be a lien upon the lands against which the same are assessed and be collected in the manner provided by law for the collection of general county taxes, and when collected shall be expended under the direction of the board of directors of the district upon warrants drawn upon the county treasurer, signed by the president of the board and attested by the secretary under the seal of the district.

SEC. 11. Whenever the estimated cost of the construction of any highway as provided for in this act, or of any repair of [or] betterment thereto, shall exceed the sum of one thousand dollars (\$1,000), such construction, betterment or repair shall be performed by contract and such contract shall be let to the lowest and best responsible bidder therefor, after the adoption by the board of directors of plans and specifications prepared by the engineer of the district.

Bids for
construction.

SEC. 12. Any person to whom a contract may have been awarded for the construction or repair of any such highway, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond, with good and sufficient surety to be approved by the board of directors, payable to said district for its use, for the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work and as may be required by the resolution of the board. All work shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever, in the construction or repair of the highway, or any portion thereof, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of said work or the furnishing of said materials, a notice calling for sealed proposals shall be published in the official county newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let said work or the contract for the purchase of materials, either in portion or as a whole, to the lowest responsible bidder, or the board may reject any and all bids and re-advertise, or may proceed to construct the work under its own superintendence: *Provided*, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material.

Contractor's
bond.

Call for bids.

Duties of
county
treasurer
as district
treasurer.

SEC. 13. The county treasurer of the county in which is located the office of any highway district, shall be and is hereby constituted *ex-officio* district treasurer of said district, and said county treasurer shall be liable upon his official bond and to criminal prosecution for malfeasance

and misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. It shall be his duty to collect and receipt for all assessments and taxes levied as in this act provided. There shall be deposited with such county treasurer all sums collected for the defraying of the expenses of the district and they shall be placed by the county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing independent road districts, or provided by this act, and shall place therein moneys collected for said funds. The county treasurer shall pay out the moneys received or deposited with him, or any portion thereof, upon warrants drawn upon the several funds, signed by the president and countersigned by the secretary of the district, except the sums to be paid out of the bond fund upon the coupons and bonds presented to the treasurer. The said treasurer shall report, in writing, on the first Monday in each month, to the board of directors of the district, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing, on the first Monday in each month, the amount deposited with the county treasurer belonging to the district during the preceding month, the amount of receipts for the month preceding and the amount and items of expenditure during the preceding month, and said report shall be filed in the office of the board.

SEC. 14. The board of directors shall each receive three dollars per day and mileage at the rate of 5 cents per mile in attending the meetings, and actual and necessary expenses paid while engaged in official business under order of the board. The board shall fix the compensation to be paid the secretary, to be paid out by warrant drawn

Per diem and
mileage of
directors.

Salary of
secretary.

on the county treasurer out of funds belonging to said district on deposit with the treasurer of said county.

Director's
interest in
contracts.

SEC. 15. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor and such conviction shall work a forfeiture of his office and he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment.

Penalty.

Special
elections to
authorize
special
assessments.

SEC. 16. The board of directors may at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to the improvement or maintenance of the highway. Such election shall be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions for holding bond elections. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such election the ballot shall contain the words "Assessment, Yes," and "Assessment, No." If a majority of the votes cast are "Assessment, Yes" the board, at the time of the annual levy thereunder, shall levy an assessment to raise the amount voted. The assessment so levied shall be assessed, extended and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the county treasury of the county to the credit of the district for the purposes specified in the notice of such special election.

Passed the House March 2, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 117.

[S. B. 127.]

WATER CODE.

AN ACT relating to the use of water in the State of Washington and the right to the use thereof, providing penalties for its violation, and for the exercise of the power of eminent domain in certain cases, making an appropriation and repealing certain acts and parts of acts.

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

SECTION 1. The power of the state to regulate and control the waters within the state shall be exercised as hereinafter in this act provided. Subject to existing rights all waters within the state belong to the public, and any right thereto, or to the use thereof, shall be hereafter acquired only by appropriation for a beneficial use and in the manner provided and not otherwise; and, as between appropriations, the first in time shall be the first in right. Nothing contained in this act shall be construed to lessen, enlarge, or modify the existing rights of any riparian owner, or any existing right acquired by appropriation, or otherwise. They shall, however, be subject to condemnation as provided in section 4 hereof, and the amount and priority thereof may be determined by the procedure set out in sections 14 to 26 inclusive hereof.

State control.

Water rights to be acquired by appropriation.

Existing rights preserved.

SEC. 2. The legally recognized units of water measurement shall be as follows: For flowing water—one cubic foot of water per second of time, and to be designated “second-foot.” For absolute volume or quantity of water—forty-three thousand five hundred sixty cubic feet of water, and to be designated “acre-foot.”

Units of measurement.

SEC. 3. Any person may convey any water which he may have a right to use along any of the natural streams or lakes of this state, but not so as to raise the water thereof above ordinary highwater mark, without making just compensation to persons injured thereby; but due allowance shall be made for evaporation and seepage, the amount of such seepage to be determined by the state

hydraulic engineer, upon the application of any person interested.

Right of eminent domain extended to beneficial use of water.

SEC. 4. The beneficial use of water is hereby declared to be a public use, and any person may exercise the right of eminent domain to acquire any property or rights now or hereafter existing when found necessary for the storage of water for, or the application of water to, any beneficial use, including the right to enlarge existing structures employed for the public purposes mentioned in this act and use the same in common with the former owner, and including the right and power to condemn an inferior use of water for a superior use. In condemnation proceedings the court shall determine what use will be for the greatest public benefit, and that use shall be deemed a superior one: *Provided*, That no property right in water or the use of water shall be acquired hereunder by condemnation for irrigation purposes, which shall deprive any person of such quantity of water as may be reasonably necessary for the irrigation of his land then under irrigation to the full extent of the soil, by the most economical method of artificial irrigation applicable to such land according to the usual methods of artificial irrigation employed in the vicinity where such land is situated. In any case, the court shall determine what is the most economical method of irrigation. Such property or rights shall be acquired in the manner provided by law for the taking of private property for public use by private corporations.

Restriction on condemnation for irrigation purposes.

SEC. 5. The administration of this act is imposed upon an engineer to be known as the state hydraulic engineer.

Administration of water code.

SEC. 6. There shall be a state hydraulic engineer appointed by the governor, who, at the time of his appointment shall be a technically qualified and experienced civil and hydraulic engineer in the practice of his profession. He shall, unless sooner removed for cause, hold office for a term of six years or until his successor shall be appointed

State hydraulic engineer.

and shall have qualified. The governor may remove said hydraulic engineer for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person or by counsel in his own defense upon not less than ten (10) days notice. If such officer shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such officer, and his findings thereon, together with a complete record of the proceedings, and there shall be no right to a review of the same in any court whatsoever. The governor shall fill all vacancies in the office of hydraulic engineer by appointment, and the person so appointed shall fill out the unexpired term of his predecessor. His office shall be located at the seat of state government. He shall receive a salary of five thousand dollars (\$5,000.00) per annum, payable in the same manner as other state officers, and reimbursement for actual necessary expenses incurred while absent from his office on official business, and shall not accept any other employment during his term of office. Before entering upon the duties of his office, he shall take and subscribe an oath faithfully to perform the duties of his office and file with the secretary of state said oath and his official bond in the penal sum of twenty thousand dollars (\$20,000.00), with surety or sureties, to be approved by the governor, and conditioned for the faithful discharge of the duties of his office.

Appoint-
ment and
removal.

Salary.

Oath and
bond.

SEC. 7. The state hydraulic engineer may appoint an assistant and a sufficient number of deputies to aid in the administration of this act, and may employ such clerical assistance and purchase such supplies and equipment as he may deem necessary for the proper conduct and development of his department, in pursuance of appropriations made by the legislature for such purposes. The state hydraulic engineer may authorize such assistant or deputy to execute any power or perform any duty vested in the engineer and he shall be liable on his official bond for their acts.

Assistant
and deputies.

Powers and
duties of
engineer.

SEC. 8. There is hereby imposed upon the state hydraulic engineer the following duties and powers:

1. The supervision of public waters within the state and their appropriation, diversion and use, and of the various officers connected therewith.

2. Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property.

3. He shall regulate and control the diversion of water in accordance with the rights thereto.

4. He shall determine the discharge of streams and springs and other sources of water supply and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes.

5. He shall keep such records as may be necessary in the administration of his department and for the recording of the financial transactions and statistical data of his department, and shall procure all necessary documents, forms and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under said seal, shall be taken as evidence thereof in all courts.

6. He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state.

7. He shall establish and promulgate rules governing the administration of this act.

8. The state hydraulic engineer and his duly authorized deputies shall be empowered to administer oaths, and shall perform such other duties as may be prescribed by this act or imposed by law.

SEC. 9. Water masters shall be appointed by the state hydraulic engineer upon application by interested parties making a reasonable showing of the necessity therefor, at such time, for such districts, and for such periods of service, as local conditions may indicate to be necessary to provide the most practical supervision on the part of the state and to secure to water users and owners the best protection in their rights. The districts for or in which the water masters serve shall be designated water districts, which shall be fixed from time to time by the state hydraulic engineer, as required, and they shall be subject to revision as to boundaries or to complete abandonment as local conditions may indicate to be expedient, the spirit of this provision being that no districts need be created or maintained, or water masters appointed therefor, where the need for the same does not exist. Water masters shall be under the supervision of the state hydraulic engineer, and shall be technically qualified to the extent of understanding the elementary principles of hydraulics and irrigation, and of being able to make water measurements in streams and in open and closed conduits of all characters, by the usual methods employed for that purpose. Each water master shall, if employed by the day, receive a wage of not to exceed five dollars (\$5.00) per day for each day he shall be actually employed in the duties of his office, or, if employed continuously he shall receive a salary of not to exceed one hundred dollars (\$100.00) per month, to be paid by the county in which the work is performed. In case the service extends over more than one county each county shall pay its equitable part of such wage to be apportioned by the state hydraulic engineer. He shall be reimbursed for actual necessary expenses when absent from his designated headquarters in the performance of his duties, such expenses to be paid

District
water
masters.

Compensa-
tion payable
by counties.

by the county in which he renders the service. The accounts of the water master shall be audited and certified by the state hydraulic engineer and the county auditor shall issue a warrant therefor upon the current expense fund.

SEC. 10. It shall be the duty of the water master, acting under the direction of the state hydraulic engineer, to divide in whole or in part, the water supply of his district among the several water conduits and reservoirs using said supply, according to the right and priority of each, respectively. He shall, as near as may be, divide, regulate and control the use of water within his district by such closure or partial closure of headgates as will prevent its use in excess of the amount to which the owner of the right is lawfully entitled. He shall as may be required in times of scarcity of water, and in respect of priorities of rights, shut and fasten or cause to be shut and fastened the headgates of water conduits, and shall regulate or cause to be regulated the controlling works of reservoirs. Whenever, in the pursuance of his duties, the water master regulates a headgate of a water conduit or the controlling works of a reservoir, he shall attach to such headgate or controlling works a written notice, properly dated and signed, stating that such headgate or controlling works has been properly regulated and is wholly under his control and such notice shall be a legal notice to all parties. He shall enforce such rules and regulations as the state hydraulic engineer shall from time to time prescribe.

SEC. 11. Any person, corporation or association feeling aggrieved at any order, decision, or determination of the state hydraulic engineer, or of any assistant or deputy, or any water master, affecting his interests, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the matter affected, or a portion thereof is situated. The proceedings in every such appeal shall be heard and tried by the court and shall

Duties of
water
master.

Appeals to
superior
court by
aggrieved
parties.

Procedure
on appeal.

be informal and summary, but full opportunity to be heard and present evidence shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal containing a statement of the substance of the order, decision, or determination complained of and the manner in which the same injuriously affects the appellant's interests, shall have been served personally upon the state hydraulic engineer, or by registered mail, at his office at the state capital, within twenty days following the rendition of the order, decision or determination appealed from and communication thereof in writing to the person affected thereby. No bond shall be required except a stay is desired and an appeal shall not be a stay, unless within five days following the service of notice of appeal a bond shall be filed in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court. Costs shall be paid as in civil cases brought in the superior court, and the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. In all court proceedings under or pursuant to this section the decision of the state hydraulic engineer shall be *prima facie* correct. The attorney general shall be the legal adviser of the state hydraulic engineer and shall represent him in all proceedings whenever so requested. Wherever it shall appear to the state hydraulic engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, it shall be his duty to request the attorney general to appear and protect the interests of the state.

Stay of proceedings.

Costs.

Attorney general to advise and represent engineer.

SEC. 12. The water master shall have the power, within his district, to arrest any person in the act of violating any of the provisions of this act and to deliver such person promptly into the custody of the sheriff or other competent officer within the county and immediately upon such delivery the water master making the arrest shall, in writing and upon oath, make complaint before

Water master vested with power of arrest.

the proper justice of the peace against the person so arrested.

Prosecuting attorney to represent engineer and deputies.

SEC. 13. It shall be the duty of the prosecuting attorney of any county to appear for or on behalf of the state hydraulic engineer or his deputy, or any water master, upon request of any such officer in any case which may arise in the performance of the official duties of any such officer within the jurisdiction of said prosecuting attorney.

Determination of rights to water.

SEC. 14. Upon the filing of a petition with the state hydraulic engineer by one or more persons claiming the right to divert any waters within the state or when, after investigation, in the judgment of the state hydraulic engineer, the interest of the public will be subserved by a determination of the rights thereto, it shall be the duty of the state hydraulic engineer to prepare a statement of the facts, together with a plan or map of the locality under investigation, and file such statement and plan or map in the superior court of the county in which said water is situated, or, in case such water flows or is situated in more than one county, in the county which the state hydraulic engineer shall determine to be the most convenient to the parties interested therein. Such statement shall contain substantially the following matter, to-wit:

Engineer to file statement and map in superior court.

1. The names of all known persons claiming the right to divert said water, the right to the diversion of which is sought to be determined, and

2. A brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto.

Summons to claimants.

SEC. 15. Upon the filing of the statement and map as provided in the preceding section the judge of such superior court shall make an order directing summons to be issued, and fixing the return day thereof, which shall be not less than sixty nor more than ninety days, after the making of such order. A summons shall thereupon be issued out of said superior court, signed and attested

by the clerk thereof, in the name of the State of Washington, as plaintiff, against all known persons claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file a statement of claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: *Provided, however,* That any persons claiming the right to the use of water by virtue of a contract with claimant to the right to divert the same, shall not be necessary parties to the proceeding.

SEC. 16. Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state. If the defendants, or either of them cannot be found within the State of Washington, of which the return of the sheriff of the county in which the proceeding is pending shall be *prima facie* evidence, upon the filing of an affidavit by the state hydraulic engineer, or his attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation printed and published at the county seat of the county in which such proceeding is pending, and also publication of said summons in a newspaper published at the county seat of each county in which any portion of the water is situated, once a week for six consecutive weeks before the return day thereof. In cases where personal service can be had, such summons shall be served at least twenty (20) days before the return day thereof.

Service
of summons.

Publication.

SEC. 17. On or before the return day of such summons, each defendant shall file in the office of the clerk of said court a statement, and therewith a copy thereof

Defendants
to file
verified
statements.

for the state hydraulic engineer, containing substantially the following, to-wit:

1. The name and postoffice address of defendant.
2. The full nature of the right, or use, on which the claim is based.
3. The time of initiation of such right and commencement of such use.
4. The date of beginning and completion of construction.
5. The dimensions and capacity of all ditches existing at the time of making said statement.
6. The amount of land under irrigation and the maximum quantity of water used thereon prior to the date of said statement and if for power, or other purposes, the maximum quantity of water used prior to date of said statement.
7. The legal description of the land upon which said water has been, or may be, put to beneficial use.

Such statement shall be verified on oath by the defendant, and in the discretion of the court may be amended.

SEC. 18. Whenever any defendant in any proceeding instituted under this act is an infant, insane or incompetent person, the court shall, on application of any party thereto, appoint a guardian *ad litem* for such person as in civil actions. If such infant, insane or incompetent person has a general guardian, such general guardian shall be appointed guardian *ad litem*.

SEC. 19. Upon the completion of the service of summons as hereinbefore provided, the superior court in which said proceeding is pending shall make an order referring said proceeding to the state hydraulic engineer to take testimony, by himself or by his duly authorized deputy, as referee, and he or his said deputy shall report to and file with the superior court of the county in which such cause is pending a transcript of such testimony for adjudication thereon by such court.

SEC. 20. Thereupon the state hydraulic engineer shall fix a time and place for such hearing and serve written

Guardians
ad litem.

Reference to
engineer
to take
testimony.

Notice of
hearing.

notice thereof upon all persons who have appeared in said proceeding, their agents or attorneys. Notice of such hearing shall be served at least ten days before the time fixed therefor. Such hearings may be adjourned from time to time and place to place. The state hydraulic engineer or his duly authorized deputy shall have authority to subpoena witnesses and administer oaths in the same manner and with the same powers as referees in civil actions. The fees and mileage of witnesses shall be advanced by the party at whose instance they are called as in civil actions. A final decree adjudicating rights or priorities, entered in any case decided prior to taking effect of this act, shall be conclusive among the parties thereto and the extent of use so determined shall be *prima facie* evidence of rights to the amount of water and priorities so fixed as against any person not a party to said decree.

Referee
powers.

Conclusive-
ness of prior
decree.

SEC. 21. At the time of filing the statement as provided in section 17 each defendant shall pay to the clerk of the superior court a fee of one dollar (\$1.00) and no other fee shall be required in such proceeding.

Fees.

SEC. 22. Upon the completion of the taking of testimony it shall be the duty of the state hydraulic engineer to prepare and file with the clerk of the superior court where such proceeding is pending, a transcript of the testimony taken at such hearing, in triplicate, together with all papers and exhibits offered and received in evidence and not already a part of the record. He shall also make and file in said court a full and complete report as in other cases of reference in the superior court. Two of said transcripts shall be for the use of the parties as the court may direct. The court shall set a time for the hearing and the state hydraulic engineer shall thereupon prepare a notice designating a time for the hearing of said report and serve a copy thereof, together with a copy of his report, on all persons, their agents or attorneys who have appeared in such proceeding. Such service shall be made not less than twenty days before the time for said

Transcript of
testimony
filed in court.

Court to
set time for
hearing.

hearing, either personally or by registered mail, and an affidavit of such service filed with the clerk.

Exceptions
to engineer's
report.

SEC. 23. Upon the filing of the evidence and the report of the state hydraulic engineer, any interested party may, on or before five days prior to the date of said hearing, file exceptions to such report in writing and such exceptions shall set forth the grounds therefor and a copy thereof shall be served personally or by registered mail upon all parties who have appeared in the proceeding. If no exceptions be filed, the court shall enter a decree determining the rights of the parties according to the evidence and the report of the state hydraulic engineer, whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in case of reference of a suit in equity and the court may in its discretion take further evidence or, if necessary, remand the case for such further evidence to be taken by the state hydraulic engineer, and may require further report by him. Costs, not including taxable attorneys fees, may be allowed or not; if allowed, may be apportioned among the parties in the discretion of the court. Appeal may be taken to the supreme court from such decree in the same manner as in other cases in equity, except that notice of appeal must be both served and filed within sixty days from the entry thereof.

Procedure.

Appeals to
supreme
court.

Estoppel
of defendant.

SEC. 24. Whenever proceedings shall be instituted for the determination of the rights to the use of water, any defendant who shall fail to appear in such proceedings, after legal service, and submit proof of his claim, shall be estopped from subsequently asserting any right to the use of such water embraced in such proceeding, except as determined by such decree.

Entry of
decree.

SEC. 25. The clerk of the superior court, immediately upon the entry of any decree by the superior court, shall transmit a certified copy thereof to the state hydraulic engineer, who shall immediately enter the same upon the records of his office.

SEC. 26. Upon the final determination of the rights to the diversion of water it shall be the duty of the state hydraulic engineer to issue to each person entitled to the diversion of water by such determination, a certificate under his official seal, setting forth the name and post-office address of such person; the priority and purpose of the right; the period during which said right may be exercised, the point of diversion and the place of use; the land to which said water right it appurtenant and when applicable the maximum quantity of water allowed.

Certificates
of right to
diversion.

SEC. 27. Any person, municipal corporation, firm, irrigation district, association, corporation or water users' association hereafter desiring to appropriate water for a beneficial use shall make an application to the state hydraulic engineer for a permit to make such appropriation, and shall not use or divert such waters until he has received a permit from such state hydraulic engineer as in this chapter provided. The construction of any ditch, canal or works, or performing any work in connection with said construction or appropriation, or the use of any waters, shall not be an appropriation of such water nor an act for the purpose of appropriating water unless a permit to make said appropriation has first been granted by the state hydraulic engineer: *Provided*, That a temporary permit may be granted upon a proper showing made to the hydraulic engineer to be valid only during the pendency of such application for a permit unless sooner revoked by said hydraulic engineer: *Provided, further*, That nothing in this act contained shall be deemed to affect chapter 88 of the Laws of 1905 except that the notice and certificate therein provided for in section 3 thereof shall be addressed to the state hydraulic engineer after the passage of this act, and the state hydraulic engineer shall exercise the powers and perform the duties prescribed by said section 3.

Applications
for permits
to use water.

Temporary
permits.

SEC. 28. Each application for permit to appropriate water shall set forth the name and postoffice address of the applicant, the source of water supply, the nature and

Contents of
applications.

amount of the proposed use, the time during which water will be required each year, the location and description of the proposed ditch, canal, or other work, the time within which the completion of the construction and the time for the complete application of the water to the proposed use. If for agricultural purposes, it shall give the legal subdivision of the land and the acreage to be irrigated, as near as may be, and the amount of water expressed in acre-feet to be supplied per season. If for power purposes, it shall give the nature of the works by means of which the power is to be developed, the head and amount of water to be utilized, and the uses to which the power is to be applied. If for construction of a reservoir, it shall give the height of the dam, the capacity of the reservoir, and the uses to be made of the impounded waters. If for municipal water supply, it shall give the present population to be served, and, as near as may be, the future requirement of the municipality. If for mining purposes, it shall give the nature of the mines to be served and the method of supplying and utilizing the water; also their location by legal subdivisions. All applications shall be accompanied by such maps and drawings, in duplicate, and such other data, as may be required by the state hydraulic engineer, and such accompanying data shall be considered as a part of the application.

Agricultural purposes.

Power purposes.

Reservoirs.

Municipal water supply.

Mining purposes.

Date of filing with engineer.

Defective applications not to lose priority.

SEC. 29. Upon receipt of an application it shall be the duty of the state hydraulic engineer to make an endorsement thereon of the date of its receipt, and to keep a record of same. If upon examination, the application is found to be defective, it shall be returned to the applicant for correction or completion, and the date and the reasons for the return thereof shall be endorsed thereon and made a record in his office. No application shall lose its priority of filing on account of such defects, provided acceptable maps, drawings and such data as is required by the state hydraulic engineer shall be filed in the office of the state hydraulic engineer within such reasonable time as he shall require.

SEC. 30. Upon filing an application which complies with the provisions of this act and the rules and regulations established hereunder, the state hydraulic engineer shall instruct the applicant to publish notice thereof, in a form prescribed by said state hydraulic engineer, in one newspaper of general circulation published at the county seat of the county or counties in which the storage, diversion and use is to be made, and in such other newspapers as the state hydraulic engineer may direct, once a week for two consecutive weeks.

Publication of notice of proposed use or diversion.

SEC. 31. When an application complying with the provisions of this chapter and with the rules and regulations of the state hydraulic engineer has been filed, the same shall be placed on record in the office of the state hydraulic engineer, and it shall be his duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the state hydraulic engineer shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. The state hydraulic engineer shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if he shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, he shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: *Provided*, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest,

Investigation and report on application.

Issuance of permit.

Refusal of permit.

having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be the duty of the state hydraulic engineer to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under section 4 hereof, said engineer may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the state hydraulic engineer to investigate all facts relevant and material to the application. After the state hydraulic engineer approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in section 44 of this act.

Approval
in part.

Payment
of fees.

Assignment
of permits.

SEC. 32. Any permit to appropriate water may be assigned subject to the conditions of the permit, but no such assignment shall be binding or valid unless filed for record in the office of the state hydraulic engineer. Any application for permits to appropriate water prior to permit issuing, may be assigned by the applicant, but no such assignment shall be valid or binding unless the written consent of the state hydraulic engineer is first obtained thereto, and unless such assignment is filed for record in the office of the state hydraulic engineer.

Time for
construction
work under
permits.

SEC. 33. Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the state hydraulic engineer, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the state hydraulic engineer. The state hydraulic engineer, in fixing the time for the commencement of the work, or for the completion thereof and the appli-

cation of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public interests affected: and, for good cause shown, he shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. If the terms of the permit or extension thereof, are not complied with the state hydraulic engineer shall give notice by registered mail that such permit will be cancelled unless the holders thereof shall show cause within sixty days why the same should not be so cancelled. If cause be not shown, said permit shall be cancelled.

Extension
of time.

Cancellation
of permits.

SEC. 34. Upon a showing satisfactory to the state hydraulic engineer that any appropriation has been perfected in accordance with the provisions of this act, it shall be the duty of such state hydraulic engineer to issue to the applicant a certificate stating such facts in a form to be prescribed by him, and such certificate shall thereupon be recorded in his office. Any original water right certificate or permit to divert water, issued, as provided by this act, shall be recorded in his office and thereafter, at the expense of the party receiving the same, be by such engineer transmitted to the county auditor of the county or counties where the distributing system or any part thereof is located, and be recorded in the office of such county auditor, and thereafter be transmitted to the owner thereof.

Certificate
of due ap-
propriation.

Registration
and record-
ing of
certificates
and permits.

SEC. 35. The right acquired by appropriation shall relate back to the date of filing of the original application in the office of the state hydraulic engineer.

Date of
initiation of
water right.

SEC. 36. Any person, corporation or association intending to construct any dam or controlling works for the

Storage
dams to be
approved by
engineer.

storage of ten-acre feet or more of water, shall, before beginning said construction, submit plans and specifications of the same to the state hydraulic engineer for his examination and approval as to its safety. Such plans and specifications shall be submitted in duplicate, one copy of which shall be retained, as a public record, by the state hydraulic engineer, and the other returned with his approval or rejection endorsed thereon. No such dam or controlling works shall be constructed until the same or any modification thereof shall have been approved as to its safety by the state hydraulic engineer.

Maintenance
of control-
ling works
and measur-
ing devices.

SEC. 37. The owner or owners of any ditch or canal shall maintain, to the satisfaction of the state hydraulic engineer, substantial controlling works, and a measuring device at the point where the water is diverted, and these shall be so constructed as to permit of accurate measurement and practical regulation of the flow of water diverted into said ditch or canal. Every owner or manager of a reservoir for the storage of water shall construct and maintain, when required by the state hydraulic engineer, any measuring device necessary to ascertain the natural flow into and out of said reservoir.

Reservoir
permits.

SEC. 38. All applications for reservoir permits shall be subject to the provisions of sections 27 to 33 of this act, both inclusive. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of sections 27 to 33 of this act, both inclusive. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the state hydraulic engineer shall take the proof of the water users

Applications
for second-
ary permits.

under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit.

SEC. 39. The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: *Provided, however,* That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the state hydraulic engineer, and said application shall not be granted until notice of the hearing upon said application shall be published as provided in section 30 of this act. If upon such hearing it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the state hydraulic engineer shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record in the office of the state hydraulic engineer and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. The applicant shall pay the fee of one dollar (\$1.00) for the certificate provided for by this section.

Water appurtenant to land.

Transfer of right to other land.

Change in point of diversion.

Necessity of notice and hearing.

Certificates of transfer or of change of diversion.

SEC. 40. The unauthorized use of water to which another person is entitled or the wilful or negligent waste of water to the detriment of another, shall be a misdemeanor.

Unauthorized use of water.

The possession or use of water without legal right shall be *prima facie* evidence of the guilt of the person using it. It shall also be a misdemeanor to use, store or divert any water until after the issuance of permit to appropriate such water.

SEC. 41. (1) Any person or persons who shall wilfully interfere with, or injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume, or other structure or appliance for the diversion, carriage, storage, apportionment or measurement of water for irrigation, reclamation, power or other beneficial uses, or who shall use or conduct water into or through his ditch or shall wilfully injure or destroy any telegraph, telephone or electric transmission line, or any other property owned, occupied or controlled by any person, association, or corporation, or by the United States and used in connection with said beneficial use of water, shall be guilty of a misdemeanor.

(2) Any person or persons who shall wilfully or unlawfully take or use water, or conduct the same into his ditch or to his land, or land occupied by him, and for such purpose shall cut, dig, break down or open any headgate, bank, embankment, canal or reservoir, flume or conduit, or interfere with, injure or destroy any weir, measuring box or other appliance for the apportionment and measurement of water, or unlawfully take or cause to run or pour out of such structure or appliance any water, shall be guilty of a misdemeanor.

(3) The use of water through such structure or structures, appliance or appliances hereinbefore named after its or their having been interfered with, injured or destroyed, shall be *prima facie* evidence of the guilt of the person using it.

SEC. 42. Whenever any appropriator of water has the lawful right of way for the storage, diversion, or carriage of water, it shall be unlawful to place or maintain any obstruction that shall interfere with the use of the works, or prevent convenient access thereto or trespass thereon.

Interference
with
appliances
for beneficial
use of water.

Penalty.

Prima facie
evidence
of guilt.

Obstruction
of appropriator's right-
of-way.

SEC. 43. That nothing in this act contained shall operate to effect an impairment of any inchoate right to divert and use water while the application of the water in question to a beneficial use is being prosecuted with reasonable diligence, having due regard to the circumstances surrounding the enterprise, including the magnitude of the project for putting the water to a beneficial use and the market for the resulting water right for irrigation or power or other beneficial use, in the locality in question.

Inchoate
rights not
impaired.

SEC. 44. The following fees shall be collected by the state hydraulic engineer in advance and be paid by him into the general fund of the state treasury on the last day of March, June, September and December of each year; (a) for examining an application for a permit to appropriate water, five dollars (\$5.00); (b) for filing and recording permit to appropriate water for irrigation purposes, ten cents (10c) per acre for each acre to be irrigated up to and including one hundred acres, and five cents (5c) per acre for each acre in excess of one hundred acres up to and including one thousand acres, and two and one-half cents ($2\frac{1}{2}c$) for each acre in excess of one thousand acres; and also ten cents (10c) for each theoretical horsepower up to and including one hundred h. p. and five cents (5c) for each theoretical h. p. up to and including one thousand h. p. and one cent (1c) for each theoretical h. p. in excess of one thousand h. p.; (c) for filing and recording any other water right instrument, one dollar (\$1.00) for the first hundred words and ten cents (10c) for each additional hundred words or fraction thereof; (d) for making copy of any document recorded or filed in his office, ten cents (10c) for each hundred words or fraction thereof, but where the amount exceeds five dollars (\$5.00), then only the actual cost in excess of that amount shall be charged; (e) for certifying to copies, documents, records, or maps, one dollar (\$1.00) for each certification; (f) for blue print copies of any map or drawing, ten cents (10c) per square foot or fraction

Schedule
of fees.

thereof. For such other work of a similar nature as may be required of his office, at actual cost of the work.

Appropriation,
\$25,000.

SEC. 45. There is hereby appropriated from the moneys in the state treasury not otherwise appropriated the sum of twenty-five thousand dollars (\$25,000) or so much thereof as is necessary to cover the salary of the state hydraulic engineer, services of the assistant state hydraulic engineer and deputies and the expenses of the office of the state hydraulic engineer.

"Person"
defined.

SEC. 46. The term "person," whenever used in this act, may be construed to mean firm, association, water users' association, corporation, irrigation district, or municipal corporation, as well as an individual.

Repealing
clause.

SEC. 47. Sections 6315 to 6341, inclusive; 6343, 6344, 6346 to 6363, inclusive; 6365 to 6403, inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all other acts or parts of acts in conflict herewith are hereby repealed.

Passed the Senate February 27, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 118.

[H. B. 195.]

MAINTENANCE OF PERMANENT HIGHWAYS.

AN ACT relating to public highways, providing a system for maintaining the same; prescribing a method for apportioning automobile license fees; providing for a tax levy for the construction of state roads; amending section 4, chapter 65, Laws of 1913 and repealing chapter 59 Laws of 1915.

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

County
permanent
highway
maintenance
fund.

SECTION 1. There is hereby created in each county of the state a county fund to be known as the permanent highway maintenance fund. The county officers of the various counties having the custody and disposition thereof

are directed to set aside and place to the credit of said fund all moneys received from the state as provided in section 18, chapter 142, Laws of 1915, and all acts amendatory thereof and supplementary thereto, and the five per centum of the permanent highway fund as provided in section 5879-14 of Remington & Ballinger's Annotated Codes and Statutes of Washington, which five per centum of the permanent highway fund shall be retained by the county treasurer and placed to the credit of the permanent highway maintenance fund of said county.

Moneys credited to fund.

SEC. 2. The state auditor shall apportion and remit monthly by warrant all moneys derived from automobile licenses, fines and forfeited bail, after deductions as provided by section 18, chapter 142, Laws of 1915, as amended by Session Laws of 1917.

Moneys derived from automobile licenses, etc.

SEC. 3. The state auditor is hereby directed to pay by warrant to each county the balance set aside in the permanent highway fund for the maintenance of permanent highways at the time this act takes effect.

Balance in state permanent highway fund.

SEC. 4. The county auditor shall issue warrants for the expenditures from said fund on vouchers approved by the engineer in charge and allowed by the board of county commissioners, which expenditures shall be for the sole purpose of maintaining and repairing primary and permanent highways or highways of like character and for equipment for the maintenance thereof within the respective counties, and the same shall not be expended for any other purpose except as hereinafter provided.

Fund expended for maintenance of highways of county.

SEC. 5. That section 4, chapter 65, Laws of 1913 be amended to read as follows:

Section 4. All primary highways when constructed shall be maintained at the expense of the permanent highway maintenance fund of the county in which such highway is located. In the event that there is not sufficient money to the credit of such permanent highway maintenance fund so to do, the county commissioners shall expend

County maintenance of primary highways, how met.

such portion of the permanent highway fund credited to their county as shall be necessary, and in case the amount to the credit of the permanent highway fund apportioned to their county is not sufficient or available then they shall pay the remainder from the general road and bridge fund of the county. Such highways shall be maintained under such rules, regulations and requirements as may be prescribed by the state highway board. In the event that such highways shall not be maintained in accordance with the standard required by such rules, regulations and requirements, then the state highway board after fifteen days written notice of their intention so to do, directed to the county commissioners of such county, shall cause the maintenance of such highway to be brought up to the standard required by the rules, regulations and requirements of said highway board and charge the expense thereof as follows: To the permanent highway maintenance fund credited to such county and in case the amount to the credit of such fund is not sufficient then to the available amount apportioned to the county from the permanent highway fund, and if the amount in either of said funds is still not sufficient then to the available amount in the general road and bridge fund of the county. When the maintenance work is done under the direction of the state highway board the payments from the permanent highway maintenance fund and general road and bridge fund shall be by warrants drawn by the county auditor upon vouchers approved by the state highway commissioner, and when any payments for maintenance purpose are made from the portion of the permanent highway fund credited to the county, the same shall be made upon warrants drawn by the state auditor on vouchers approved by the state highway commissioner and in such case the state auditor shall notify the county auditor of the county of all payments so made. In any county where no primary state highways have been constructed by the state, or the full amount of the permanent highway maintenance fund is not necessary for the maintenance of permanent high-

Maintenance
under state
rules.

Expenses of
board in
bringing
highway to
standard,
how met.

Road im-
provement
where no
primary
highways.

ways, the remaining funds to the credit of the permanent highway maintenance fund shall be used in the maintenance or improvement of roads upon the route of primary state highways. The construction of all primary highways shall be under the immediate supervision and control of the state highway board.

SEC. 6. For the purpose of raising revenue to construct and repair highways and bridges, the proper state officers shall levy and collect a tax of one mill upon all of the property in the state subject to taxation. The fund provided by such levy shall be placed in the public highway fund: *Provided, however,* That nothing in this act contained shall have the effect or be construed to alter or modify in any particular any tax levy made or proceeding had or to be had for the collection of any tax heretofore levied or imposed under or pursuant to the provision of any former or existing laws.

State tax
levy for
highways
and bridges.

SEC. 7. That chapter 59, Session Laws of 1915 is hereby repealed.

Repealing
clause.

Passed the House February 16, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 119.

[S. B. 223.]

MARKETING OF FARM PRODUCTS.

AN ACT relating to the production and marketing of farm products, creating the office of director of farm markets, defining his powers and duties and fixing his salary, and making an appropriation.

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

SECTION 1. The production and marketing of farm products is hereby declared to be a matter of public interest and a proper subject for investigation, encouragement, development, regulation and control by the state.

Director
of farm
marketing.

SEC. 2. To this end there is hereby created the office of director of farm marketing. Such director shall be appointed by the director of the agricultural experiment station of the State College of Washington by and with the approval of the governor, and shall hold office at the pleasure of the said director and until his successor qualifies. The word "director" wherever it shall hereafter appear in this act, shall mean director of farm marketing. The salary of said director shall be fixed by the director of the agricultural experiment station, and shall not exceed three thousand dollars (\$3,000.00) per annum, and he shall be allowed an additional sum as may be necessary for clerical and other assistance, traveling and other expenses, detailed vouchers for which, approved by the director of the experiment station, shall be filed with the state auditor.

Appoint-
ment and
salary.

Duties.

SEC. 3. It shall be the duty of the director to investigate and promote, in the interest of the state, economical and efficient distribution of all farm products, for this purpose cooperating to the fullest extent practicable with the United States department of agriculture and with other agencies of the federal government of this state and of other states, engaged in similar activities. He shall have power:

Powers.

(a) To maintain a market news service by publication of bulletins and through newspapers, giving information as to prices, available supplies of different farm products, demand in local and foreign markets, freight rates, and any and all other such matters of interest to producers and consumers.

(b) To aid and assist producers and consumers in establishing economical and efficient systems and methods of distribution, in promoting more direct business relations through the organization of cooperative societies of sellers and buyers, and in every practicable way to reduce the waste, expense and cost of marketing, that the producer may secure more adequate returns and the consumer a lower cost of food products.

(c) To investigate the methods of commission merchants and of all others who buy, sell, handle on commission or otherwise, or deal in farm products, to the end that distribution of such commodities in this manner may be efficiently and economically and honestly accomplished. In such investigation, he may hear complaints and suggestions and shall have power to visit the place of business of any individual, firm, corporation or association, and examine under oath such individuals and the officers and employees of such firms, corporations and associations for the purpose of obtaining accurate information. If the director shall find legislation necessary for the regulation of such distribution of farm products, he shall recommend to the governor not later than the fifteenth of November of each even numbered year.

(d) To investigate the feasibility of direct dealing between producers and consumers through the agency of the parcel post and the employment of mail order methods.

(e) To receive applications for farm help and for employment in farm work, assisting in bringing the job and the man together without expense to either employer or laborer, and to this end to cooperate with the authorities of the United States, the state or municipalities that may be engaged in similar work.

(f) To investigate transportation of farm products, methods, delays and charges, and advise and assist producers in relation thereto.

SEC. 4. The director shall prepare and submit to the director of the agricultural experiment station, on or before the first of December of each year a report of his department and such other facts, suggestions or recommendations as he may deem of value to the people.

Annual reports.

SEC. 5. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) or as much there-

Appropriation.
\$15,000.

of as may be necessary for carrying out the provisions of this act.

Passed the Senate February 27, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 120.

[S. B. 317.]

AMENDING WORKMEN'S COMPENSATION ACT.

AN ACT relating to the compensation of injured workmen in our industries and the compensation of their dependents where such injuries result in death, providing for the collection and disbursement of funds for such purpose, providing penalties and amending section 6604-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington, as amended by section 1 of chapter 188, Session Laws of 1915 of the State of Washington, and amending sections 6604-3, 6604-8, 6604-22 and 6604-23 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6604-3 of Rem. & Bal. Code
Definitions. be amended to read as follows:

Section 6604-3. In the sense of this act words employed mean as here stated, to-wit:

Factories. Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern.

Workshop. Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control.

Mill means any plant, premises, room or place where machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers. Mill.

Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground. Mine.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes. Quarry.

Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals; electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used. Engineering work.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this state in any extra hazardous work. Employer.

Workman means every person in this state, who, after September 30, 1911, is engaged in the employment of an employer carrying on or conducting any of the industries scheduled or classified in section 6604-4, whether by way of manual labor or otherwise, and whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer: *Provided, however,* That if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children or dependents, as the case may be, shall elect Injuries away from plant.

Election of remedies.

whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the state may be prosecuted, or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Injuries to employer carried on payroll.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances as and subject to the same obligations as a workman: *Provided*, That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the commission prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for compensation are made.

Dependent.

Dependent means any of the following named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of sixteen years, viz.: Invalid child over the age of sixteen years, daughter, between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-sister, half-brother, niece, nephew, who, at the time of the accident are dependent in whole or in part, for their support upon the earn-

ings of the workman. Except where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included. Aliens.

Beneficiary means a husband, wife, child or dependent of a workman, in whom shall vest a right to receive payment under this act. Beneficiary.

Invalid means one who is physically or mentally incapacitated from earning. Invalid.

The word "child" as used in this act, includes a posthumous child, a child legally adopted prior to the injury and an illegitimate child legitimated prior to the injury. Child.

The words "injury" or "injured" as used in this act, refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease. Injury.

SEC. 2. That section 6604-4 of Rem. & Bal. Code be amended to read as follows:

Section 6604-4. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to January 15th of each year, pay into the state treasury, in accordance with the following schedule, a sum equal to a percentage of his total payroll for that year, to-wit: (the same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard): Schedule of premiums.

CONSTRUCTION WORK.

Tunnels; bridges; trestles; sub-aqueous works; ditches and canals (other than irrigation without blasting); dock excavation; fire escapes; sewers; house moving; house wrecking065
Iron, or steel frame structures or parts of structures.....	.080
Electric light or power plants or systems; telegraph or telephone systems; pile driving; steam railroads.....	.050
Steeple, towers or grain elevators, not metal frames; dry-docks without excavation; jetties; breakwaters; chimneys; marine railways; water works or systems; electric railways with rock work or blasting; erecting fireproof doors or shutters.....	.050

Steam heating plants; tanks, water towers or windmills, not metal frames.....	.040
Shaft sinking060
Concrete buildings; freight or passenger elevators; fire-proofing of buildings; galvanized iron or tin works; gas works, or systems; marble, stone or brick work; road making with blasting; roof work; safe moving; slate work; outside plumbing work; metal smokestacks or chimneys050
Excavations not otherwise specified; blast furnaces.....	.040
Street or other grading; cable or electric street railways without blasting; advertising signs; ornamental metal work in buildings.....	.035
Ship or boat building or wrecking with scaffolds; floating docks045
Carpenter work not otherwise specified.....	.035
Installation of steam boilers or engines; placing wire in conduits; installing dynamos; putting up belts for machinery; marble, stone or tile setting, inside work; mantel setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; ship or boat rigging; concrete laying in floors, foundations or street paving; asphalt laying; covering steam pipes or boilers, installation of machinery not otherwise specified.....	.030
Drilling wells; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems; glass setting; building hot houses; lathing; paper hanging; plastering; inside plumbing; wooden stair building; road making.....	.020

OPERATION (INCLUDING REPAIR WORK) OF

(All combinations of material take the higher rate when not otherwise provided.)

Logging railroads; railroads; dredges; interurban electric railroads using third rail system; dry or floating docks050
Electric light or power plants; interurban electric railroads not using third rail system; quarries.....	.040
Street railways, all employes; telegraph or telephone systems; stone crushing; blasting furnaces; smelters; coal mines; gas works; steamboats; tugs; ferries....	.030
Mines, other than coal; steam heating or power plants....	.025
Grain elevators; laundries; water works; paper or pulp mills; garbage works.....	.020

FACTORIES USING POWER DRIVEN MACHINERY.

Stamping tin or metal.....	.045
Bridge work; railroad car or locomotive making or repairing; cooperage; logging with or without machinery; saw mills; shingle mills; staves; veneer; box; lath; packing cases; sash, door or blinds; barrel, keg,	

pail; basket; tub; wooden ware or wooden fibre ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement; stone with or without machinery; kindling wood; masts and spars with or without machinery; canneries, metal stamping extra; creosoting works; pile treating works..... .025

Excelsior, iron, steel, copper, zinc, brass or lead articles or wares not otherwise specified; working in wood not otherwise specified; hardware; tile; brick; terra cotta; fire clay; pottery; earthen ware; porcelain ware; peat fuel; brickettes020

Breweries; bottling works; boiler works; foundries; machine shops not otherwise specified..... .020

Cordage; working in foodstuffs, including oils, fruits and vegetables; working in wool; cloth, leather, paper, broom, brush, rubber or textiles not otherwise specified .015

Making jewelry, soap, tallow, lard, grease, condensed milk. .015

Creameries; printing; electrotyping, photo-engraving; engraving; lithographing015

MISCELLANEOUS WORK.

Stevedoring; longshoring030

Operating stock yards, with or without railroad entry; packing houses025

Wharf operation; artificial ice, refrigerating or cold storage plants; tanneries; electric systems not otherwise specified020

Theatre stage employees..... .015

Fire works manufacturing..... .050

Powder works100

The application of this act as between employers and workmen shall date from and include the first day of October, 1911. The payment for 1911 shall be made prior to the day last named, and shall be preliminarily collected upon the payroll of the last preceding three months of operation. At the end of each year an adjustment of accounts shall be made upon the basis of the actual payroll. Any shortage shall be made good on or before February 1st, following. Every employer who shall enter into business at any intermediate day, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the commission of such fact, accompanying

Annual
adjustment
of accounts.

Estimated
payrolls.

such notification with an estimate of his payroll for the initial year or portion thereof, and shall make payment of the premium on such estimated payroll for the first three months of operations. An adjustment upon such payroll shall be made as in other cases.

Monthly
report of
payrolls.

Every employer within the provisions of this act shall on or before the fifteenth day of each month furnish the department with a true and accurate payroll showing the aggregate number of work days, that is men-days, during which workmen were employed by him during preceding month, the total amount paid to such workmen during said month, and a segregation of employment in the different classes provided in this act. The sufficiency of such statement shall be subject to the approval of the industrial insurance commission.

Records of
employment.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the commissioners or the traveling auditors, agents or assistants of the department, as provided in section 6604-15 of Rem. & Bal. Code.

Exclusions
from
payroll.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll also state the names and addresses of any contractor or sub-contractor operating for or under him.

Penalty for
failure to
record and
report.

Every person, firm or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Every employer who shall fail to furnish an estimated payroll and make payment as above provided, shall be liable to a penalty in three times the amount of the premium on such payroll, to be collected in a civil action in the name of the state, and paid into the accident fund. The commission may waive the whole or any part of such penalty.

Penalty for failure to furnish estimated payroll.

For the purpose of such payments accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. There shall be collected from each class as an initial payment into the accident fund as above specified on or before the 1st day of October, 1911, one-fourth of the premium of the next succeeding year, and one-twelfth thereof at the close of each month after December, 1911: *Provided*, Any class having sufficient funds credited to its account at the end of the first three months or any month thereafter, to meet the requirements of the accident fund, that class shall not be called upon for such month. In case of accidents occurring in such class after lapsed payment or payments said class shall pay the said lapsed or deferred payments commencing at the first lapsed payment, as may be necessary to meet such requirements of the accident fund. The fund thereby created shall be termed the "accident fund" which shall be devoted exclusively to the purpose specified for it in this act.

One class not liable for accidents of another.

Monthly payments to accident fund.

In that the intent is that the fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the industrial insurance department, in accordance with any relative increase or decrease in hazard shown by experience, and if in the judgment of the industrial insurance department the moneys paid into the fund

Readjustment of rates.

of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The industrial insurance commission shall on or before the 30th day of September, 1917, and semi-annually thereafter make corrections of classifications as between classes of industries if and as experience shall show error or inaccuracy therein, and, under and conformably to the foregoing rule of classification and premium rating, shall at the same time lower the premium rate of any establishment or plant if and as experience shall show it to maintain such a high standard of safety or accident prevention as to differentiate it to that extent from other like establishments or plants, or shall raise the premium rate of any establishment or plant if and as experience shall show it to maintain so low a standard of safety or accident prevention as to justify warrant its being subjected to that extent to a greater contribution to the accident fund. From the original classification or premium rating or any change made therein any employer claiming to be aggrieved may upon application, have a hearing before the industrial insurance commission upon notice to the interested parties and in the manner provided in section 6604-20 a review by the courts. If, at the end of any year, it shall be seen that the contribution to the accident fund by any class of industry shall be less than the drain upon the fund on account of that class, the deficiency shall be made good to the fund on the 1st day of February of the following year by the employers of that class in proportion to their respective payments for the past year.

Employer
not to deduct
from wages
to pay
premiums.

Corrections
in classifica-
tions.

Review by
courts of
classifica-
tions and
ratings.

Deficiencies
in accident
fund.

For the purpose of such payment and making good of deficit the particular classes of industry shall be as follows:

Classification of industries.

CONSTRUCTION WORK.

Class 1. Tunnels; sewer; shaft sinking; drilling wells.

Class 2. Bridges; mill wrighting; trestles; steeples, towers or grain elevators not metal framed; tanks; water towers, windmills not metal framed.

Class 3. Sub-aqueous works; canal other than irrigation or docks with or without blasting; pile driving; jetties; break-waters; marine railways.

Class 4. House moving; house wrecking; safe moving.

Class 5. Iron or steel frame structures or parts of structures; fire escapes; erecting fireproof doors or shutters; blast furnaces; concrete chimneys; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin work; marble, stone or brick work; roof work; slate work; plumbing work; metal smokestacks or chimneys; advertising signs; ornamental metal work in buildings; carpenter work not otherwise specified; marble, stone or tile setting; mantel setting; metal ceiling work; painting of buildings or structures; concrete laying in floors or foundations; glass setting; building hot houses; lathing; paper hanging; plastering; wooden stair building.

Class 6. Electric light and power plants or systems, telegraph or telephone systems; cable or electric railways with or without rock work or blasting; water works or systems; steam heating plants; gas works or systems; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; installation of automatic sprinklers; covering steam pipes or boilers; installation of machinery not otherwise specified; installing electrical apparatus or fire alarm systems in buildings; house heating or ventilating systems.

Class 7. Steam railroads; logging railroads.

Class 8. Road making; street or other grading; concrete laying in street paving; asphalt laying.

Class 9. Ship or boat building with scaffolds; shipwrighting; ship or boat rigging; floating docks.

OPERATION (INCLUDING REPAIR WORK) OF

Class 10. Logging; saw mills; shingle mills; lath mills; masts and spars with or without machinery.

Class 11. Omitted by the legislature.

Class 12. Dredges, dry or floating docks.

Class 13. Electric light or power plant or systems; steam heat or power plants or systems; electric systems not otherwise specified.

Class 14. Street railways.

Class 15. Telegraph systems; telephone systems.

Class 16. Coal mines.

Class 17. Quarries; stone crushing; mines other than coal.

Class 18. Blast furnaces; smelters; rolling mills.

Class 19. Gas works.

Class 20. Steamboats; tugs; ferries.

Class 21. Grain elevators.

Class 22. Laundries.

Class 23. Water works.

Class 24. Paper or pulp mills.

Class 25. Garbage works; fertilizer.

FACTORIES (USING POWER-DRIVEN MACHINERY).

Class 26. Stamping tin or metal.

Class 27. Bridge work, making steam shovels or dredges; tanks; water towers.

Class 28. Railroad car or locomotive making or repairing.

Class 29. Cooperage; staves; veneer; box; packing cases; sash, door or blinds; barrel; keg; pail; basket; tub; wood ware or wood fibre ware; kindling wood; excelsior; working in wood not otherwise specified.

Class 30. Asphalt.

Class 31. Cement; stone with or without machinery; building material not otherwise specified.

Class 32. Canneries of fruits or vegetables.

Class 33. Canneries of fish or meat products.

Class 34. Iron, steel, copper, zinc, brass or lead articles or wares; hardware; boiler works; foundries; machine shops not otherwise specified.

Class 35. Tile; brick; terra cotta; fire clay; pottery; earthen ware; porcelain ware.

Class 36. Peat fuel; brickettes.

Class 37. Breweries; bottling works.

Class 38. Cordage; working in wool, cloth, leather, paper, brush, rubber or textile not otherwise specified.

Class 39. Working in foodstuffs, including oils, fruits, vegetables.

Class 40. Condensed milk; creameries.

Class 41. Printing; electrotyping; photo-engraving; engraving; lithographing; making jewelry.

Class 42. Stevedoring; longshoring; wharf operation.

Class 43. Stock yards; packing houses; making soap, tallow, lard, grease; tanneries.

Class 44. Artificial ice, refrigerating or cold storage plants.

Class 45. Theatre stage employees.

Class 46. Fire works manufacturing; powder works.

Class 47. Creosoting works; pile treating works.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the payroll of each occupation if clearly separable; otherwise an average rate of premium shall be charged for the entire establishment taking into consideration the number of employees and the relative hazards. In computing the payroll the entire compensation received by every workman employed in extra hazardous employment shall be included whether it be in the form of salary, wage, piece work, overtime or any allowance in the way of profit shar-

Single establishments in different risk classes.

Method of computing payroll.

ing, premium or otherwise, and whether payable in money, board or otherwise.

SEC. 3. That section 6604-22 of Rem. & Bal. Code be amended to read as follows:

Compensation of commissioners and assistants.

Section 6604-22. The salary of each of the commissioners shall be thirty-six hundred dollars (\$3,600.00) per annum, and he shall be allowed his actual and necessary traveling and incidental expenses; and any assistant to the commissioner shall be paid for each full day's service rendered by him, his actual and necessary traveling expenses and such compensation as the commission may deem proper not to exceed six dollars (\$6.00) per day to an auditor, or five dollars (\$5.00) per day to any other assistant. Each commissioner shall give a surety company bond in the sum of twenty-five thousand dollars (\$25,000.00) payable to the State of Washington, conditioned upon the faithful performance of his duties, and the person designated by the said commission as claim agent shall give a surety company bond in the sum of twenty thousand dollars (\$20,000.00) payable to the State of Washington, conditioned upon the faithful performance of his duties.

Bonds of commissioners and claim agent.

SEC. 4. That section 6604-23 of Rem. & Bal. Code be amended to read as follows:

Auditors and assistants.

Section 6604-23. The commissioners may appoint a sufficient number of auditors and assistants to aid them in the administration of this act at an expense not to exceed five thousand dollars (\$5,000) per month. They may employ one or more physicians in each county for the purpose of official medical examinations, whose compensation shall be limited to five dollars (\$5.00) for each examination and report therein. They may procure such record books as they may deem necessary for the record of the financial transactions and statistical data of the department, and the necessary documents, forms and blanks. They may establish and require all employers to install and maintain a uniform form of payroll.

Medical examinations.

Uniform payrolls.

SEC. 5. That section 6604-8 of Rem. & Bal. Code be amended to read as follows:

Section 6604-8. If any employer shall default in any payment to the accident fund or the medical aid fund, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default be after demand, there shall also be collected a penalty equal to twenty-five per centum of the amount of the defaulted payment or payments, and the commission may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to their satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, conditioned for the prompt and punctual making of all payments into said funds required during said year period, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state in an action brought by the attorney general in its name shall be entitled to an injunction restraining such delinquent from prosecuting an extra hazardous occupation or work until such bond shall be furnished, and any sale, transfer or lease attempted to be made by such delinquent during the period of such default, of his works, plant or lease thereto shall be invalid until all past delinquencies are made good and such bond furnished. All actions for the recovery of such payments shall be brought in the superior court and in all cases of insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for payments due herein shall be a claim prior to all other claims, except taxes, and it shall be the duty of all receivers or assignees for the benefit of creditors to notify the industrial insurance department of such receivership or assignment within thirty (30) days from the date of their appointment and qualification. In any action or proceeding brought for the recovery of

Delinquent
employers.

Priority of
accident
fund claims.

payments due upon the payroll of an employer, the certificate of the industrial insurance department that an audit has been made of the payroll of such employer pursuant to the direction of the department and of the amount of such payroll for the period stated in the certificate shall be *prima facie* evidence of such fact.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 121.

[H. B. 162.]

EMPLOYMENT OF FREE OR CONVICT LABOR IN STATE ROAD CONSTRUCTION.

AN ACT relating to public highways and providing for the employment of free or day labor and convict labor, and amending section 5869-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5869-1 of Rem. & Bal. Code be, and the same is, hereby amended to read as follows:

Section 5869-1. The state highway board may in its discretion cause any state road to be constructed, either under contract as now provided by law or by force account. Construction may be done by force account in all cases where the estimated amount of said work is less than the sum of five thousand dollars (\$5,000.00): *Provided*, This limitation of five thousand dollars (\$5,000.00) shall not apply to work done by convict labor. The work may be done either by free or day labor or by the use of convict labor when available and capable of advantageous use. The state highway board shall by resolution entered upon its record determine when construction in any case shall be by force account, and whether by free or day labor or by convict labor, which resolution shall state the reasons for such determination. In all other cases con-

Construction
of state
roads.

Force ac-
count, day
labor and
convict labor.

struction shall be let by contract on plans and specifications previously prepared by the highway engineer and let to the lowest and best bidder in the manner now provided by law. In the event that the highway board considers said bids when received too high, they may re-advertise, or do the work by force account, which decision shall be ordered by resolution to that effect entered upon the records of said board, which resolution shall set out the amount of the lowest bid and the fact that said board had found that in its judgment the said work may be more cheaply done by force account day labor or convict labor.

Construction
by contract.

Passed the House February 9, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 122.

[H. B. 214.]

REGULATION OF WEIGHTS AND MEASURES.

AN ACT relating to weights and measures, authorizing state sealers to act as automobile inspector in certain cases, and amending sections 9511-2, 9511-3, 9511-4 and 9511-5 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9511-2, Rem. & Bal. Code, be amended to read as follows:

Section 9511-2. There is hereby created a department of weights and measures in and for the State of Washington. The secretary of state shall be *ex-officio* superintendent of weights and measures and the head of the department herein created. He shall appoint a deputy superintendent of weights and measures and one inspector whose terms of office shall expire with that of the superintendent. The deputy shall receive a salary of twenty-four hundred dollars per annum, and the inspector shall receive

Superintendent of
weights and
measures.

Deputy and
inspector.

State sealer.

Duties of superintendent.

a salary of fifteen hundred dollars per annum. He shall also appoint as many persons as he shall deem necessary, not to exceed twelve in number, as local inspectors, who shall be known as state sealers and who shall receive a compensation to be determined by the superintendent, and shall be removable at will by him: *Provided, further,* That the total expenditures for this department shall not exceed \$35,000 for any biennium. There shall be allowed for maintenance of the department of weights and measures such sums as shall be appropriated by the legislature. The superintendent shall take charge of the state standards, cause them to be kept in a safe and suitable place in the office of the superintendent, from which they shall not be removed except for repairs or for certification, and he shall take all other necessary precautions for their safe keeping. He shall maintain the state standards in good order and shall submit them at least once in ten years to the National Bureau of Standards for certification. He shall at least once in five years try and prove by the state standards all weights, measures and other apparatus which may belong to any county or city, and shall seal such when found to be accurate, by stamping on them with seals which he shall have and keep for that purpose, the letter "W" and the last two figures of the year in which the same are sealed. He shall have and keep a general supervision of the weights, measures and weighing and measuring devices offered for sale, sold or in use in the state. He shall, upon the written request of any citizen, firm, corporation or educational institution in the state, test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in this state. He, or his deputy, or his inspectors, by his direction, shall, at least once annually, test all scales, weights and measures used in checking the receipts or disbursements of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and he shall report in writing his findings to the supervising board and to the executive officer of the

institution concerned, and at the request of such board or executive officer, the superintendent of weights and measures shall appoint in writing one or more employees, then in the actual service of each institution, who shall act as special deputies for the purpose of checking the receipts or disbursements of supplies. He shall keep a complete record of the standards, balances and other apparatus belonging to the state and take receipt for same from his successor in office. He shall annually, on the first day of October make to the governor a report of the work done by his office. The state superintendent, or his deputy, or inspectors at his direction, shall inspect all standards and apparatus used by the state sealers and cities of the first class, having a population of more than 50,000 people at least once in two years, and shall keep a record of the same. He or his deputy or inspectors, at his direction, shall at least once in two years visit the various cities and counties in the state, in order to inspect the work of the local sealers, and in the performance of such duties he may inspect the weights, measures, balances or any other weighing or measuring appliances of any citizen, firm or corporation, shall have the same powers as the local sealer of weights and measures. The superintendent shall issue from time to time, regulations for the guidance of state and city sealers, and the said regulations shall govern the procedure to be followed by the aforesaid officers in the discharge of their duties. The deputy state superintendent of weights and measures shall forthwith, on his appointment, give a bond in the penal sum of \$5,000.00 with sureties to be approved by the governor for the faithful performance of the duties of his office, and for the safety of the standards entrusted to his care, and for the surrender thereof immediately to his successor in office or to the person appointed by the governor to receive them.

Annual reports to governor.

Bond of deputy.

SEC. 2. That section 9511-3, Rem. & Bal. Code, be amended to read as follows:

Section 9511-3. The superintendent of weights and measures, and the common council or city commission of

Public standards for city and state sealers.

each city having a population of more than fifty thousand people shall procure at the expense of the state or city, and shall keep at all times a complete set of weights and measures and other apparatus, of such materials and construction as the said superintendent of weights and measures may direct. All such weights, measures and other apparatus having been tried and accurately proven by him, shall be sealed and certified to by the state superintendent as hereinbefore provided; and shall then be deposited with and preserved by the city sealer as public standards for such city, and by the state sealer for use as public standards in any county in the state.

Whenever the common council or city commission of any such city shall neglect for six months so to do, the city clerk or comptroller of said city, on notification and request by the superintendent of weights and measures, shall provide such standards and cause the same to be tried, proved, sealed and deposited at the expense of such city.

SEC. 3. That section 9511-4, Rem. & Bal. Code, be amended to read as follows:

Powers of
state sealer.

Section 9511-4. Where not otherwise provided by law the state sealer shall have the power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of every kind, instruments or mechanical device for measurements and tools, appliances or accessories connected with any or all of such instruments or measures kept for the purpose of sale, sold or used or employed within any county in the state by any proprietor, agent, lessee or employee in proving the size, quantity or extent, area or measurement of quantities, things, produce, articles for distribution or consumption offered or submitted by such person or persons for sale, for hire or award; and he shall have the power to and shall from time to time weigh or measure packages or amounts of commodities of whatsoever kind kept for the purpose of sale, offered for sale or sold, or in the process of delivery, in order to determine whether the same contains the amount represented, and whether they are being offered

for sale or sold in a manner in accordance with law. He may for the purpose above mentioned, and in the general performance of his official duties, enter and go into or upon, and without formal warrant, any stand, place, building or premises, or stop any vendor, peddler, junk-dealer, coal-wagon, wood-wagon, ice-wagon, delivery-wagon or any dealer whatsoever, and require him, if necessary, to proceed to some place which the sealer may specify, for the purpose of making the proper tests. Whenever the state sealer finds a violation of the statutes relating to weights and measures, he shall cause the violater to be prosecuted. Whenever the sealer compares weights, measures or weighing or measuring instruments, and finds that they correspond or causes them to correspond with the standards in his possession, he shall seal or mark such weights, measures or weighing or measuring instruments with appropriate devices to be approved by the state superintendent of weights and measures. He shall condemn and seize and may destroy incorrect weights, measures or weighing or measuring instruments which cannot be repaired; and such as are incorrect and yet may be repaired, he shall mark or tag as "condemned for repairs"—in a manner prescribed by the state superintendent of weights and measures. The owner or users of any weights, measures or weighing or measuring instruments of which such disposition is made, shall have the same repaired or corrected within ten days and they may neither use nor dispose of the same in any way, but shall hold the same at the disposal of the sealer: *Provided*, That state sealers may, by direction of the secretary of state, perform the duties and exercise the powers of deputies appointed by the secretary of state, pursuant to the provisions of chapter 142, Laws of 1915, and acts amendatory thereto: *Provided further*, That deputies appointed by the secretary of state pursuant to the provisions of chapter 142, Laws of 1915, and acts amendatory thereto, may, by direction of the secretary of state, perform the duties and

State sealers
as automobile
inspectors.

Automobile
inspectors as
state sealers.

exercise the powers of [the secretary of] state sealers as hereinbefore set forth.

SEC. 4. That section 9511-5, Rem. & Bal. Code, be amended to read as follows:

City sealers
in cities of
over 50,000.

Powers and
duties.

Section 9511-5. There shall be a city sealer of weights and measures in cities of the first class having a population of more than fifty thousand people, to be appointed by the mayor from a list to be furnished by the civil service board, and under the rules of said board, where such board exists; otherwise he shall be appointed by the mayor by and with the advice and consent of the common council or city commission. He shall perform in said city the duties and have like powers as a state sealer: *Provided, however,* That in every case where any city of the first class has heretofore made, or may hereafter make provision by charter or ordinance for the enforcement of proper legal weights and measures vesting general supervision and direction in any official at the head of any department of such city, such official for the purpose of this act, shall be *ex-officio* sealer of weights and measures in such city, and he and his subordinate or subordinates, shall have the duties and powers of city sealers of weights and measures, and the powers of such cities relative to weights and measures shall be additional to the powers granted such city by law or charter: *And provided further,* That the state sealer shall exercise no powers and discharge no duties in any city of the first class having its own sealer of weights and measures.

Passed the House March 2, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 123.

[S. S. B. 312.]

RECOVERY OF DAMAGES FOR WRONGFUL DEATH.

AN ACT granting a right to recover damages for the death of a person caused by the wrongful act, neglect or default of another, and repealing section 183 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. When the death of a person is caused by the wrongful act, neglect or default of another his personal representative may maintain an action for damages against the person causing the death; and although the death shall have been caused under such circumstances as amount, in law, to a felony.

Right of action for wrongful death.

SEC. 2. Every such action shall be for the benefit of the wife, husband, child or children of the person whose death shall have been so caused. If there be no wife or husband or child or children, such action may be maintained for the benefit of the parents, sisters or minor brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death. In every such action the jury may give such damages as, under all circumstances of the case, may to them seem just.

Beneficiaries.

SEC. 3. Words in this act denoting the singular shall be understood as belonging to a plurality of persons or things. The masculine shall apply also to the feminine, and the word person shall also apply to bodies politic and corporate.

Application of terms.

SEC. 4. Section 183 of Remington & Ballinger's Annotated Codes and Statutes of Washington shall be and is hereby repealed: *Provided, however,* That the grant, terms and conditions of said section 183 shall apply to all suits now pending, and all causes of action thereunder for wrongful death accruing within three years immediately prior to the taking effect of this act.

Repealing clause.

Reservation
from repeal.

SEC. 5. This act shall not repeal or supersede chapter 74 of the Laws of 1911 and acts amendatory thereof, or any part thereof.

Passed the Senate February 27, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 124.

[H. B. 299.]

POWERS OF THIRD CLASS CITIES AS TO PUBLIC UTILITIES.

AN ACT relating to powers of city councils of cities of the third class, and amending section 16 of chapter 184, Session Laws of 1915 of the State of Washington.

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

SECTION 1. That section 16 of chapter 184, Session Laws of 1915 of the State of Washington be amended to read as follows:

Power to
acquire and
operate pub-
lic utilities.

Section 16. The city council of such city shall have power to contract for supplying the city with water, light, power and heat for municipal purposes; to acquire, construct, repair and manage within or without such city, pumps, aqueducts, reservoirs, plants or other works necessary or proper for irrigation purposes or for supplying water, light, power or heat or any by-product thereof for the use of such city or the inhabitants thereof or any other person within such city, and to dispose of any excess of any such supply to any person within or without such city: *Provided*, That when such works or systems are owned by any city after being placed in operation no taxes shall be imposed for maintenance or operation, but such charges shall be paid from the earnings of such works or systems. Maintenance and operation herein mentioned shall include all necessary repairs, replacements, interest on any debts incurred in acquiring,

Earnings
to pay
maintenance
charges.

constructing, repairing or operating such plants or departments, and all depreciation charges, also four per cent per annum on the cost of such plant or system, which shall be determined by the bureau of inspection, to be paid into the current expense fund, except that where utility bonds have been or may hereafter be issued and are unpaid no payment shall be required into the current expense fund until such bonds are paid. General bonds may be issued to pay the original cost of such plants or systems, such bonds to be retired by general tax levies against all property of the city within its then present limits or such limits as thereafter extended, or such cost may be paid for by the issuance and sale of utility bonds as provided by sections 8006 to 8008, both inclusive, of Remington & Ballinger's Annotated Codes and Statutes of Washington or as the same may be amended, but no such issue shall be authorized by the vote of less than three-fifths of the qualified electors voting at an election as therein provided. Extensions to plants may be made either by general bond issue, general tax levies, or in accordance with the statutes now in force or that may hereafter be enacted relative to local improvements. Rates shall be fixed by ordinance for supplying light, power, heat or water for commercial, domestic and irrigation purposes sufficient to pay all operating and maintenance charges hereinbefore referred to, and when a greater amount is produced than is necessary to meet said operating and maintenance charges the rates to the consumer may be reduced, or such excess amount over and above what is necessary for said operating and maintenance charges may be transferred to the current expense fund or to the indebtedness fund, at the option of the city council. Complete separate accounts for such municipal utilities shall be kept under the system and on forms prescribed by the bureau of inspection and supervision of public offices.

Bond issue
for original
cost.

Rates.

Passed the House March 3, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 125.

[S. H. B. 45.]

AMENDMENT OF PORT DISTRICT ACT.

AN ACT relating to and defining the powers of port districts and the powers of commissioners of port districts; and providing compensation for port commissioners in port districts having a population of two hundred thousand (200,000) or more inhabitants, such compensation being subject to a referendum to the electors of such port district and amending sections 4 and 5 of chapter 92 of the Session Laws of 1911, as amended by chapter 62 of the Session Laws of 1913, the same being sections 8165-4, 8165-5 of Remington & Ballinger's Code.

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

SECTION 1. That section 4 of chapter 92 of the Session Laws of 1911, relating to the organization and powers of port districts, as amended by chapter 62 of the Session Laws of 1913, being section 8165-4 of Remington & Ballinger's Code, be further amended so as to read as follows:

Section 4. *Powers of District.*

All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, leases or easements necessary for the purposes of the port districts, and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except in so far as such may be inconsistent with the provisions of this act, and the duties devolving upon the city treasurer under said law be and the same are hereby imposed upon the county treasurer for the purposes of this act; to lay out, construct, condemn, purchase, acquire, add to, maintain,

Right of eminent domain.

Acquisition of facilities for handling traffic.

conduct and operate, any and all systems of sea walls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, together with modern appliances for the economical handling, storing and transporting of freight and handling of passenger traffic, and other harbor improvements, rail and water transfer and terminal facilities within such port district; and in connection with the operation of the improvement of the port district to perform all customary services including the handling, weighing, measuring and re-conditioning all commodities received; to establish local improvement districts within such port districts, and to levy special assessments, under the mode of annual installments extending over a period not exceeding ten (10) years on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district, to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by state law for the levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be, and the same are hereby imposed upon the county treasurer for the purposes of this act; and to own and control lands, leases and all easements in land necessary for the purposes of the port district; to improve navigable and non-navigable waters of the United States and the State of Washington within the port district; to create and improve for harbor purposes new waterways within the port district;

Levy of
special as-
sessments.

Improve-
ment of
navigable
waters.

to regulate and control all such waters and all natural or artificial waterways (waterways of commercial waterway districts excepted) within the limits of such port district so far and to the full extent that this state can grant the same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, watercourses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix absolutely and without right of appeal or review the rates of wharfage, dockage, warehousing and port and terminal charges upon all improvements owned and operated directly by the port district itself and ferry charges of ferries operated by itself: *Provided, however,* That the port commission shall file with the public service commission of the State of Washington its schedule of rates and charges so fixed, as is required by the laws of the State of Washington of public service corporations, and may not change any rate or charge so filed without first filing a notice of such change of rate or charge with the public service commission not less than thirty days prior to the going into effect of such change of rate or charge, and to fix, subject to state regulation, rates of wharfage, dockage, warehousing, and all necessary port and terminal charges upon all docks, wharves, warehouses, quays, or piers owned by said port district but operated under lease from it; to execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the port commission may deem proper: *Provided,* That no lease shall be executed for a period longer than thirty (30) years, and every such lease shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to carry out and perform the terms and conditions of such lease: *Provided,* That in any lease the term of which exceeds five (5) years, and when so stipulated in the lease (the insertion of such stipulation

Rates for wharfage, terminal charges, etc.

Leases of port property.

to be discretionary with the port commission) the port commission shall accept, with surety, satisfactory to the port commission, a bond conditioned to carry out and perform the terms and conditions of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder), and in every such case the port commission shall require of the lessee another or other like bond to be executed and delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term, so that there will always be in force a bond securing the performance of the terms and conditions of the lease, and the penalty in every such bond shall be not less than the rental for one-half the period covered thereby, but no such bond shall be construed to secure the furnishing of any other bond; to sell and convey any property in anywise acquired or owned by the port district whenever the port commission of such district shall have by resolution declared such property to be no longer needed for the purpose of the port district, but no property which is a part of the comprehensive scheme or modification thereof, adopted by vote of the people, shall be sold or disposed of without the assent of a majority of the voters voting on the question of such proposed sale or disposition at a general or special election; to raise revenue by levy of an annual tax on all taxable property within such port district not exceeding two mills in any one year: *Provided*, That such levy shall be made and taxes collected in the manner now or hereafter provided by law for the levy and collection of taxes in school districts of the first class; to borrow money and issue bonds in an amount not exceeding three (3) per cent of the taxable value of all property in such port district, upon a three-fifths majority vote of the qualified voters in such port district voting thereon. General bonds of any

Bond to secure lease.

Sale of property.

Tax levies.

Bond issues.

such district may be issued for any period not exceeding fifty (50) years.

SEC. 2. That section 5 of chapter 92 of the Session laws of 1911, relating to the organization and powers of port districts, as amended by chapter 62 of the Session Laws of 1913, being sections 8165-5 of Remington & Ballinger's Code, be further amended so as to read as follows:

Section 5. *Port Commissioners—Organization—Contracts.*

All port commissioners shall serve without compensation save and except in port districts having a population of two hundred thousand (200,000) or more inhabitants, and in such port districts each commissioner shall receive a compensation of three thousand dollars (\$3,000.00) per annum, said compensation to be paid monthly out of the funds of the port district, in the same manner as are the salaries of the employees of the port district, the population of a port district to be fixed and determined by the last official census of the United States for the purposes of this section. The foregoing provision relating to compensation of port commissioners is subject to the following proviso: The question of whether port commissioners in port districts having a population of two hundred thousand (200,000) or more inhabitants shall receive compensation as herein provided shall be submitted at the first general election after the organization of any port district having said population of two hundred thousand (200,000) or more inhabitants, or, in the case of any port district already established and having said population then at a special election of the said port district at the time of the next general county election in the county in which said port district is located, held after the taking effect of this act. There shall be printed on the ballot at such election the words "In favor of compensation for port commissioners in the sum of three thousand dollars each per annum" and the words "Against compensation for port commissioners in the sum of three thousand dollars each per annum." If at such election the majority of the

Salaries
subject to
popular vote.

voters voting on said proposition shall vote in favor of such compensation, the port commissioners of such port district shall receive compensation in the sum of three thousand dollars per annum as provided herein and in any case where a port district with a population of two hundred thousand (200,000) or more inhabitants, is in existence at the time this act becomes effective and such port district votes for a compensation as hereinbefore provided, the port commissioners of such district elected and serving shall begin to receive compensation with the calendar month succeeding the month in which the vote is taken. But if said proposition shall fail to receive the approval of the majority of those voting thereon, compensation shall not be paid unless the same be favorably voted upon in the manner provided herein at some succeeding election: *Provided, however,* That the question of compensation of port commissioners may not be submitted at more frequent intervals than periods of four years. The port commission shall organize by the election from its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the port commission shall be by resolution recorded in a book or books kept for such purpose, which shall be public records. All funds of the port district shall be paid to the county treasurer, and all disbursements shall be made by such officer on warrants drawn by the county auditor upon order of or vouchers approved by the port commission. The port commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials required by the port district may be purchased in the open market, or by contract, and all work ordered may be let by contract or done by day labor as the port commission may determine. Before awarding any contract the port commission shall cause to be published in some newspaper published within the district a notice for at least ten days before the letting of such contract, inviting sealed proposals for such work,

Organization
and proceed-
ings of
commission.

Letting
contracts.

plans and specifications for which must at the time of publication of such notice be on file in the office of the port commission subject to public inspection: *Provided, however,* That the port commission may at the same time, and as part of the same notice, invite tenders for said work or material upon plans and specifications to be submitted by the bidder. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the commission on or before the day and hour named. Each bid shall be accompanied by a certified check payable to the order of the port commission for a sum not less than five per cent of the amount of the bid, and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the commission shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications. If, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and re-advertise, and in such case all checks shall be returned to the bidders; but if such contract be let, then in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond given to the port district for the performance of the contract and otherwise conditioned as required by law, with sureties satisfactory to the commissioners, in an amount to be fixed by the commission, but not in any event less than twenty-five (25) per cent of the contract price. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the port district.

Passed the House March 5, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 126.

[H. B. 301.]

PENALIZING CORRUPT PRACTICES OF SCHOOL OFFICIALS.

AN ACT relating to misconduct of public school superintendents and officers, and providing a penalty for its violation.

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

SECTION 1. It shall be unlawful for any county superintendent of schools, superintendent or principal of public schools, directors of any school district, or other public school officer in the State of Washington, to accept, demand, or receive, either directly or indirectly, any commission, remuneration, or thing of value from any teacher's agency, employment bureau, teacher or other employee of any school under his or her jurisdiction or charge, as compensation for or on account of the appointment or recommendation of any teacher or other employee to any position in such school, or for furnishing information of a vacancy existing or to exist in any such position, or to accept, demand or receive, either directly or indirectly, any commission, remuneration or thing of value from any publisher, manufacturer, salesman, agent, or any other person, as compensation for or on account of the recommendation of any books, maps, school furniture or school supplies for use in such school, or for any services rendered in inducing the directors of any such school district to adopt, purchase, install or use the same in any such school.

Any wilful violation of the provisions of this section shall be deemed a misdemeanor and punished as such.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 127.

[S. B. 106.]

INCLUSION OF KINDERGARTENS IN PUBLIC SCHOOL SYSTEM.

AN ACT relating to free kindergartens and amending section 4740 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4740 of Rem. & Bal. Code be amended to read as follows:

Section 4740. The cost of establishing and maintaining such kindergartens shall be paid from the general school fund of the district. It shall be the duty of teachers, city superintendents, district clerks and county superintendents to respectively report as other school attendance is reported, the attendance of all children five years of age or over at such kindergartens, and it shall thereupon be the duty of the superintendent of public instruction to make apportionment to the proper counties of the current state school fund and of the respective county superintendents to apportion to the districts entitled thereto such funds as are now apportioned by such officers, and on making such apportionments to consider and allow one-half credit for such kindergarten attendance to the same extent as credit is allowed for attendance in primary or grammar grades: *Provided, however,* That credit for kindergarten attendance shall be based on a three-hour day: *Provided,* That for the purposes of this act, an attendance of two (2) hours shall be credited as one-half day. Such kindergartens shall constitute a part of the common school system and shall be open to all children of proper age resident in the district maintaining same. It shall be the duty of all district clerks to include children four years of age and over in the enumeration of the annual school census with like effect as children of higher age are now included therein.

Passed the Senate March 2, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 14, 1917.

Costs paid
from district
school fund.

Apportion-
ment of
funds.

Attendance
credits.

School
census to
include
children
four years
of age.

CHAPTER 128.

[S. B. 71.]

NORMAL SCHOOLS AND TRAINING OF TEACHERS IN
MODEL SCHOOL AND EXTENSION WORK.

AN ACT relating to normal schools and amending sections 4365, 4367, 4370 of Remington & Ballinger's Annotated Codes and Statutes of Washington and providing for the establishment of an extension department with general duties stated.

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

SECTION 1. That section 4365 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Meetings of
board of nor-
mal school
trustees.

Section 4365. Each board of normal school trustees shall hold two regular or stated meetings each year, at such times as may be provided in its by-laws, such special meetings shall be held as may be deemed necessary, whenever called by the chairman or by a majority of the board. The several boards of normal school trustees shall hold one annual meeting each year, at a time and at a place agreed upon by the several boards, for the purpose of discussing normal school policies, and to agree upon the best means for general betterment. The presidents of the several normal schools shall attend this annual meeting and make such reports and offer such suggestions as will enable the trustees to determine the greatest needs of these institutions.

SEC. 2. That section 4367 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Section 4367. A model school or schools or training departments shall be provided for each state normal school contemplated by this act, in which all students, before graduation, shall have actual practice in teaching for not less than ninety hours under the supervision and observation of critic teachers. All schools or departments provided for herewith shall organize and direct their work in

Model
schools.

such a manner as shall be in harmony with public school needs.

SEC. 3. That section 4370 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Report of attendance in model schools.

Section 4370. Annually, on or before the date for reporting the school attendance of the school district in which said model school or training department is situated, for the purpose of taxation for the support of the common schools, the board of trustees of each such normal school having supervision over the same shall file with the board of the school district, in which such model school or training department is situated, a report showing the number of common school pupils at each such model school or training department during the school year last passed, and the period of their attendance in the same form that reports of public schools are made. The clerk of the school district shall, in reporting the attendance in said school district, segregate the attendance at said model school or training department, from the attendance in the other schools of said district: *Provided*, The attendance shall be credited to the school district in which the pupil resides.

SEC. 4. That section 4372 of Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same is hereby amended to read as follows:

Certificates and diplomas.

Section 4372. Every certificate and diploma issued by a normal school shall be signed by the chairman of the board of trustees, by the president of the normal school issuing same, and shall be countersigned by the state superintendent of public instruction and sealed with the state seal. Every certificate and diploma shall specifically state what course of study the holder has completed, for what length of time certificate or diploma is valid in the schools of the state, and there shall be appended a statement of subjects showing academic and professional training.

Extension department for teachers.

SEC. 5. In order to assist teachers who are now in the service and candidates for certificates to meet the new

requirements in education without undue hardship, each normal school shall establish and maintain an extension department. The work of the department shall be planned in a manner to supplement the previous training of teachers in service in the state, and the subject matter studied shall comprise the usual subjects included in the normal school curriculum.

In order to prevent overlapping of territory in connection with this extension work, the state board of education shall district the state making a definite assignment of territory to each institution. The head of the extension department of each normal school after being assigned specific territory shall co-operate with the several county superintendents or educational executive officers of the several counties in planning the work for each year which shall be set forth in writing, a copy to be retained by each and a copy forwarded to the state superintendent of public instruction.

Districting
state for
extension
work.

At the close of the year, a report of the work shall be made jointly by the extension department and the county superintendent. A copy of the same is to be filed with the normal school having charge of the work and a copy to the state superintendent of public instruction.

Reports of
extension
work.

When agreed to by the county superintendent and approved by the state superintendent of public instruction, extension work may be accepted from teachers of any county in lieu of the regular teachers' institute work, when the actual recitation periods equal the number of hours included in the three days' institute session.

Substitution
for institute
work.

When any county adopts the above plan in lieu of the regular institute session, all moneys accumulated in the regular institute fund and that appropriated to this fund in accordance with the regular provisions of law may be expended by the county superintendent of said county to promote the extension work in connection with the course.

Institute
fund moneys
appropriated
to extension
work.

and plan agreed upon and set forth in writing as heretofore stated.

Passed the Senate March 5, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 129.

[H. B. 377.]

DUTIES AND COMPENSATION OF PUBLIC PRINTER.

AN ACT relating to the public printing and the compensation to be paid therefor, amending sections 8618, 8621, 8622, 8624, 8625 and 8626 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8618 of Rem. & Bal. Code be amended to read as follows:

Section 8618. The public printer shall print and bind the Session Laws, the journals of the two houses of the legislature, all bills, resolutions, documents and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books and printing and binding of every description as may be ordered by all state officers, boards, commissions and institutions, and the supreme court and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities: *Provided*, This act shall not apply to the printing of the supreme court reports: *And provided further*, That where any institution of the state may become equipped with facilities for doing such work, it may do any printing for itself, or for any other state institution, which may be practical to the extent of such facilities, and when requested by the governor.

SEC. 2. That section 8621 of Rem. & Bal. Code be amended to read as follows:

Section 8621. The secretary of state is hereby authorized to appoint some competent person, who has had

Printing and
binding by
public
printer.

Printing by
state
institutions.

State
printing
expert.

a practical experience in the printing business, and who has a knowledge of accounting, who shall be designated "state printing expert," whose duties shall be prescribed by the secretary of state. He shall hold his office during the pleasure of the secretary of state and shall perform such other duties as may be required by the secretary of state. He shall receive for his services the sum of eighteen hundred dollars per annum, the same to be paid in monthly payments out of any appropriation made for that purpose, in the same manner as payments are made to state officers and employees, and to be charged upon the books of the secretary of state as an expense account for auditing the state printing and binding accounts.

Salary.

All bills shall be numbered, and the secretary of state shall register the same in a book designated as "Register of public printing," which shall be so ruled and printed as to show the cost of composition, presswork, binding, stock used and the class of printing ordered and charged to the several departments, boards and commissions ordering the same. Immediately after the registration of such bill the secretary of state shall designate on the duplicate of said bill, such item or items as he shall disallow in whole or in part, and shall certify thereon to the state auditor the amount by him allowed and upon presentation of such duplicate together with the duplicate requisition issued by the governor therefor, with the approval of the governor covering the items listed thereon, the state auditor shall issue a warrant therefor on the state treasurer, payable out of any funds appropriated for that purpose: *Provided*, That the state auditor may include in one warrant the aggregate amount of any number of bills as audited and certified by the secretary of state when such bills are payable out of the same funds.

Register of public printing.

Disallowance of bills.

Warrants.

SEC. 3. That section 8622 of Rem. & Bal. Code be amended to read as follows:

Section 8622. For the purpose of providing for the compensation of the public printer for his services, the

Compensation of public printer.

public printing shall be divided into the following classes, and be paid for as herein stated:

First Class.—The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed on half sheet cap paper, weighing not less than fourteen pounds to the ream, in small pica type, each page to contain not more than forty-four lines of said matter of the usual length of forty pica ems, and the lines shall be successively numbered, with a nonpareil slug between each line; and the same shall be measured as solid matter at single price when lines are not underscored, and when more than five lines on any one page are underscored, at price and one-half; and every fraction of a page shall be measured as a full page, but no blank pages shall be counted or paid for. The compensation to be paid for printing of the first class shall be as follows:

Composition, forty-five cents per one thousand ems.

Presswork, fifty cents for the first one hundred impressions of a form, and fifteen cents for each subsequent one hundred impressions thereof; a form to consist of two pages, or fraction thereof in any one bill form.

Second Class.—The second class shall consist of the journals of the senate and house of representatives, and shall be printed on what is known as book paper, weighing not less than fifty pounds to the ream, in brevier or what is known as eight point type, with a six-to-pica lead between each line, and without unnecessary blanks, broken pages or paragraphs; the blanks between the proceedings of each day and of the different sessions of the same day not to exceed four picas; the type matter for a page to be four and one-half by seven and one-half inches; all communications, resolutions, reports of committees, messages and similar documents making up a part of said journals to be set in nonpareil or what is known as six-point type, with a six-to-pica lead between each line.

The general style of the journals of the house and senate of the session of 1903, shall be followed in the printing

and binding of the journals hereafter. The compensation to be paid for printing of the second class shall be as follows:

Composition, sixty cents per one thousand ems.

Presswork, fifty cents for the first one hundred impressions of a form and fifteen cents for each subsequent one hundred impressions thereof; a form to consist of eight pages.

Third Class.—The third class shall consist of all reports, communications and other documents that may be ordered printed in book form by the legislature, or either branch thereof (except such as are otherwise specified in this section) and all reports, pamphlets and other like matters required by all state officers, boards, commissions and institutions, and shall be printed in the same kind of type and on the same kind of paper, and the pages shall be of the same size as specified in the second class. The compensation to be paid for printing of the third class shall be as follows:

Reports,
documents,
and
pamphlets.

Composition, sixty cents per one thousand ems.

Presswork, fifty cents for first one hundred impressions of a form; fifteen cents for each one hundred impressions for next forty-nine additional one hundred impressions; and ten cents for each one hundred impressions in excess of fifty one hundred impressions: *Provided*, That tabular matter shall be set in nonpareil. There shall be no duplication of reports or parts of reports printed, except by special permit of the governor. Whenever required, the public printer shall keep the type used in printing any matter forming a part of class three standing for use in reprinting such matter; and in case a reprint is had, shall charge not to exceed twenty cents per one thousand ems for the use of the type so kept standing.

Duplications.

Reprinting.

Fourth Class.—The fourth class shall consist of the Session Laws, and shall be printed and bound in the same style, size of page and form as the Session Laws published by this state heretofore, with similar marginal notes, and

Session
Laws.

shall be on book paper weighing not less than sixty pounds to the ream. The compensation to be paid for printing for the fourth class shall be as follows:

Composition, sixty cents per one thousand ems, with marginal notes measured in the type in which they are set, separate from the body of the page.

Presswork, same as the prices fixed for printing of the second class.

Reprints of the Session Laws, when authorized by law, shall be printed and paid for as fourth class printing.

Fifth Class.—The fifth class shall consist of the printing of all blanks, record books and circulars required by the respective state officers, boards, commissions and institutions, and the rate and compensation to be paid therefor shall be as follows:

Blanks,
record
books, and
circulars.

Composition, fifty cents per one thousand ems.

Presswork, fifty cents for the first one hundred impressions of a form, and fifteen cents for each subsequent one hundred impressions thereof up to one thousand impressions, and for all over one thousand impressions thirteen cents for each subsequent one hundred impressions; a form to consist of one side of the sheet on which the job is printed and delivered: *Provided*, That all job work set in not larger than pica type shall be measured in the type in which the job is set, and all job work set in type larger than pica shall be charged for as time work. The price herein provided to be paid for all composition in the classes specified in this act shall include and cover proof-reading, make-up and lock-up ready for the press, and there shall be no extra charge made therefor unless alterations are made from original copy.

SEC. 4. That section 8624 of Rem. & Bal. Code be amended to read as follows:

Compensa-
tion for
binding.

Section 8624. Compensation for binding on all classes of work shall be under and according to the following schedule:

Standard size of pages shall be six by nine inches. A signature shall consist of sixteen pages or necessary fraction thereof.

For pamphlets containing one signature or less, including folding, gathering, stitching, covering and trimming, for one thousand finished pamphlets four dollars and seventy-five cents, and for each additional signature or fraction thereof one dollar and sixty cents for each one thousand finished pamphlets.

For pamphlets containing more than twelve and not more than eighteen signatures, including items as above, for one thousand finished pamphlets, thirty-five dollars.

For case covered bound books, cloth or full sheep or skiver, including folding, gathering, sewing on three bands, forwarding and finishing, stamping and trimming complete and finished as follows:

Per volume of not over six signatures, twenty-five cents.

Per volume over six sections and not over twelve sections, thirty cents.

Per volume over twelve sections and not over eighteen sections, thirty-five cents.

Per volume over eighteen sections and not over twenty-four sections, forty cents.

Per volume over twenty-four sections, five cents for each additional six sections or fraction thereof.

For gathering inserts to be bound in, per thousand inserts fifty cents; inserts in closed folds, per thousand inserts one dollar and fifty cents. Inserts.

Tipping: On outside of section, per one thousand one dollar and twenty-five cents; on center of section, per one thousand one dollar and fifty cents; cut in on section, per one thousand two dollars. Tipping.

Gathering miscellaneous items not covered in binding schedule as above, twenty-five cents for each one thousand sections or pieces. Miscellaneous items.

Miscellaneous items of work not covered in schedule to be charged for at current commercial rates less a discount of twenty-five per cent.

Time work.

All time work not covered by the above described work shall be paid for at the rate of \$1.00 per hour.

All ruled work to be paid for at the rate of \$1.25 per hour for time of machine and attendance.

Ruled work.

SEC. 5. That section 8625 of Rem. & Bal. Code[s] be amended to read as follows:

Materials
furnished
by printer.

Section 8625. The public printer shall furnish all paper, stock and binding materials required in all public work and shall charge the same to the state, as the same is actually used, at the actual price at which same was purchased plus 5% for waste, insurance, storage, and the handling of same. Whenever a piece of work is delivered to the state, the public printer shall make and file in the office of the secretary of state an affidavit stating the amount of material actually used in said piece of work and the actual value of same, calculated at the wholesale price at which the same was purchased.

SEC. 6. That section 8626 of Rem. & Bal. Code be amended to read as follows:

Filing bills
for materials

Section 8626. The public printer shall also file in the office of the secretary of state all bills for material purchased by him for state work, accompanied by his affidavit that same is true and correct, and that said bills show the true amount actually paid therefor.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 130.

[S. S. B. 149.]

DIKING AND DRAINAGE SYSTEMS: CONSTRUCTION,
MAINTENANCE AND CONSOLIDATION.

AN ACT relating to the improvement of lands and other property by diking and drainage and the establishing and consolidation of improvement districts for such purpose; providing for the construction, maintenance and extension of diking and drainage systems; the method of apportioning, assessing and re-assessing the costs thereof against lands and other property benefited thereby, and the collection of such assessments; providing for the disposal of waters developed by drainage systems; providing penalties for the damaging of diking and drainage improvements; and amending sections 4226-1, 4226-2, 4226-3, 4226-4, 4226-6, 4226-7, 4226-8, 4226-9, 4226-10, 4226-13, 4226-16, 4226-17, 4226-18, 4226-19, 4226-20, 4226-22, 4226-23, 4226-24, 4226-25, 4226-26, 4226-30, 4226-31, 4226-32, 4226-33, 4226-34, 4226-35 and 4226-37 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Whenever it shall appear to the board of county commissioners that the consolidation of two or more diking or drainage improvement districts established under the provisions of chapter 176 of the Laws of 1913 and acts amendatory thereof will result in economy of the maintenance of such districts, they shall by resolution declare their intention to order such consolidation, and shall fix a time and place for hearing objections to such consolidation. The time so fixed shall be not less than thirty nor more than sixty days from the date of adoption of such resolution, and the place fixed may be the county seat or other place more convenient to the districts which it is proposed to consolidate.

Consolidation of districts.

SEC. 2. Notice of the hearing shall be given by publication in the newspaper doing the county printing once a week for two successive weeks, the last publication to be not less than seven nor more than fourteen days prior to the date of said hearing. The notice shall be posted for the same period in three public places in each of the districts proposed to be consolidated.

Notice of hearing.

Order for consolidation.

SEC. 3. The board of county commissioners shall meet at the time and place fixed in such notice, and may adjourn such meeting from time to time and from place to place. If objections are offered to the proposed consolidation, they shall hear and consider the same and may refuse to proceed further with the consolidation, or may enter an order declaring any two or more of such districts consolidated, and that the territory included in such districts shall thereafter constitute and be known as "Consolidated Drainage or Diking Improvement District No..... of.....county," giving to such consolidated district its consecutive number in the order of the establishment of such districts in the county.

Board of supervisors.

SEC. 4. Until the expiration of the terms of the elected supervisors having the shortest term to serve in each of the districts so consolidated, the two elected supervisors of each district, together with the county engineer, shall form the board of supervisors of such consolidated district.

At the annual election following the entry of the order of consolidation, one supervisor shall be elected in the consolidated district and shall serve for two years and until his successor is elected and qualified, and together with the supervisor of each district included in the consolidation whose term of office has not expired and the county engineer, shall constitute the board of supervisors of the consolidated district until the next annual election.

At the next annual election and at each succeeding annual election, one supervisor shall be elected in the consolidated district for a term of two years.

Rights and powers of consolidated district.

SEC. 5. From the time of the entry of the order of consolidation, such consolidated district and its board of supervisors shall have all the rights and powers of, and be subject to all laws applicable to a district established under the provisions of chapter 176 of the Laws of 1913 and acts amendatory thereof, and the several districts included in the consolidated district shall thereby be dissolved without any further proceedings. Notwithstanding

such consolidation and dissolution, none of the outstanding bonds, warrants or other indebtedness of any district included in the consolidated district shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such consolidation had not been made; and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired, and shall be collected in the same manner as if no such consolidation had been made. The board of supervisors of the consolidated district shall have all the powers possessed at the time of the consolidation by the boards of supervisors of the several districts included in the consolidation to levy, assess and cause to be collected any and all assessments or charges against any of the lands within the several districts that may be necessary or required to provide for the payment of all the bonds, warrants and other indebtedness thereof. Until such assessments shall have been collected and all indebtedness of the district paid, separate funds shall be maintained for each district as were maintained prior to the consolidation.

Outstanding indebtedness prior to consolidation.

Levy and collection of assessments.

SEC. 6. Whenever two or more districts have been consolidated all the provisions of law applicable to such district prior to the consolidation shall apply to the consolidated district.

Governing statutes.

SEC. 7. The use of any waters developed by the drainage system of any drainage improvement district shall be subject to the control of the drainage improvement district and such district shall have the right to dispose of and contract for the use of such waters for irrigation or other uses, as hereinafter provided: *Provided*, That the waters developed by any existing drainage system, and the waters developed by any drainage system hereinafter [hereafter] constructed which shall remain undisposed of for three years after the completion of the improvement and the levy of the assessment to pay the cost thereof, shall not be subject to disposal by such district where such waters shall have been appropriated by any person at a

Use of waters developed.

Effect of appropriation by others.

point below the outlet of the drainage system of such district. The term "waters developed" as used in this act shall not be held to include surface waste waters from irrigation.

Contracts
for use or
sale of
water.

SEC. 8. The board of supervisors may enter into any contract for the use, sale or disposal of such waters that in their judgment shall be for the best interests of the district; but no such sale, contract or disposition shall be made except by the unanimous vote of the board. The district shall not guarantee nor warrant the amount or flow of, nor the title to, such waters; and no use, sale or disposition of such waters shall be lawful that will interfere with the efficiency of said drainage system.

Applications
for use of
water.

SEC. 9. Any person or corporation desiring to acquire and use the waters developed by any drainage system, may make application therefor in writing to the board of supervisors of the district, accompanying such application with a bond to be approved by the board, conditioned that the applicant will pay the costs of the investigation and hearing in case no disposal of said waters be made thereat. Successive applications and proceedings may be made and had as long as there is any water remaining undisposed of in said drainage system.

Notice of
hearings.

SEC. 10. When any such application shall be filed, the board of supervisors of the district shall cause to be published in the county official paper, once a week for three successive weeks prior to the date of the hearing hereinafter referred to, a notice fixing the time and place within the district when the board will hear and consider such applications. All applications shall be in writing and contain a statement of the proposed use to be made of the water, specifying the time, place and manner of such proposed use; and in entering into any such contract, the board of supervisors of the district may require such security as they may deem reasonable for the proper construction and installation of works of diversion and for the use of said water by the party proposing to use the same.

SEC. 11. Every person who shall wilfully damage or interfere with the operation of any dikes, drains, ditches or other improvements of any diking or drainage improvement district shall be guilty of a misdemeanor.

Penalty for wilful injury to improvements.

SEC. 12. That section 4226-1 of Rem. & Bal. Code be amended to read as follows:

Section 4226-1. Whenever one or more persons whose land will be benefited thereby shall desire to have improvements constructed for the drainage or protection from overflow, or both, of any continuous body of lands situated in the same county, proceedings for the construction of such improvements may be had as provided in this act.

SEC. 13. That section 4226-2 of Rem. & Bal. Code be amended to read as follows:

Section 4226-2. "System," "improvement," and "system of improvement," as used in this act, shall be held to include a dike, ditch, drain or water course, and any side, lateral, spur or branch dike, ditch, drain or water course, or other structure, necessary to secure the object of the improvement. Any number of dikes, ditches, drains or water courses, with their laterals, spurs, and branches, with separate outlets, may constitute one system for the protection or reclamation of the land included in any district. But no system shall be established or constructed unless sufficient outlet or outlets are provided for any drainage of such district. Such outlet or outlets may be either within or without the boundaries of the improvement district hereinafter provided for. Any natural water course may be improved in accordance with the provisions of this act.

Definition of terms used.

"Damages," as used in this act, shall be held to include the value of property taken and injury to property not taken, or either, as the case may be. "Property benefited" and "property damaged," as used in this act, shall be held to include land, platted or unplatted, whether subject to or exempt from general taxation, and roads other than public roads. "Public roads," as used in this act, shall be held to include state and county roads, streets,

alleys and other public places; and "other roads," as used in this act, shall be held to include railroads, street railroads, interurban railroads, logging roads, tramways and private roads, and the rights of way, roadbeds and tracks thereof.

"Public utilities," as used in this act, shall be held to include irrigation, power and other canals, flumes, conduits and ditches, telegraph, telephone and electric transmission and pole lines, and oil, gas and other pipe lines. "County engineer," as used in this act, shall be held to include any engineer specially employed by the board of county commissioners or the board of supervisors to report upon and prepare plans for or to superintend the construction of a system or the maintenance thereof under the provisions of this act. "Prosecuting attorney," as used in this act, shall be held to include any attorney specially employed by the board of county commissioners in connection with the carrying out of the provisions of this act to advise or carry on proceedings in court with reference to a system of improvement initiated and constructed under the provisions of this act.

SEC. 14. That section 4226-3 of Rem. & Bal. Code be amended to read as follows:

Section 4226-3. Application for any such improvement shall be made by petition to the board of county commissioners of the county in which such proposed system of improvement is located signed by one or more of the owners of property which will be benefited thereby. The petition shall be filed with the clerk of the board of county commissioners, and shall set forth the necessity for the improvement, and shall describe with reasonable certainty the location, route and termini thereof; and there shall be filed therewith a bond payable to the county, with good and sufficient surety, to be approved by the board of county commissioners, in a sum of not less than two hundred dollars (\$200.00), conditioned for the payment of all expenses which may have been incurred in the proceedings, in case the prayer of the petition be not granted or the

Petition for
improvement.

Bond to
secure
expenses of
proceedings.

petition be dismissed for any cause. If at any time it shall appear to the board of county commissioners that the bond filed with the petition is not sufficient in amount to cover the expenses which will be necessarily incurred in the proceedings, the board may order an additional bond in such an amount as it shall direct to be given.

SEC. 15. That section 4226-4 of Rem. & Bal. Code be amended to read as follows:

Section 4226-4. Upon the filing of the petition and the approval of the bond, the clerk of the board shall deliver a copy of said petition to the county engineer, who shall at once proceed to view the line and location of the proposed improvement and the property to be affected thereby and determine whether the improvement is in his opinion necessary or will be conducive to public health, convenience or welfare and whether in his opinion the location and route described are the best for the proposed improvement, what, if any, part of the proposed system of improvement mentioned in the petition should in his judgment be omitted, and what, if any additions should be added thereto or changes made therein, and shall report to and file his findings in writing with the board of county commissioners.

View and report by county engineer.

SEC. 16. That section 4226-6 of Rem. & Bal. Code be amended to read as follows:

Section 4226-6. If the report of the county engineer shall be in favor of said improvement, the board of county commissioners shall give the improvement district a number, being its serial number in the order of time of its formation among the improvement districts of the county formed under this act, beginning with the next number following the last serial number of any drainage or diking district organized and existing in said county, if any, and thereafter such district shall be designated as Drainage (or Diking) Improvement District Number of county, and the board shall cause to be entered on its journal an order directing the county engineer to go upon the lines described in the petition, or

Favorable report.

Survey,
plat, and
estimate of
cost.

as changed by him in his report, and survey, and take levels on the same and set a stake at every hundred feet, numbering the same consecutively, and note the intersection of property lines and boundaries, township, city and county lines, and road crossings, and make such other investigations as he may deem necessary, and make a report, profile and plat of the same; also to make an estimate of the cost of construction of such system itemized so as to be reasonably specific as to the various parts thereof: *Provided*, That such estimate of the cost shall be held to be preliminary only and shall not be binding as a limit on the amount that may be expended in constructing such system. The clerk of the board shall prepare and keep a special index in which he shall note all proceedings had and all papers filed in connection with such improvement district.

SEC. 17. That section 4226-7 of Rem. & Bal. Code be amended to read as follows:

Schedule of
property
damaged
and bene-
fited.

Section 4226-7. The board shall also by order entered on the journal, direct the county engineer to make and return a schedule and estimate of all property that will be damaged, or both damaged and benefited by the proposed improvement, and to estimate and report the total number of acres that will be benefited by the proposed improvement and to specify the manner in which the proposed improvement is to be made and the number, kind, location and dimensions of all water-ways, ditches, dikes, outlets, floodgates, and all other artificial appliances, bridges and crossings. Schedules of property to be damaged or damaged and benefited shall be arranged in parallel columns, with appropriate headings, and shall show the description of the property, and if land, give the legal subdivision, section, township and range, and number of acres; and if platted, the name of the plat and lot and block number; the name of the owner or owners or reputed owner or owners; the estimated gross damages that will be sustained by reason of the proposed improvement; the estimated gross benefits that will accrue; and the right-

hand column of the schedule shall be sufficiently wide for the signature of the owner, and shall bear the heading: "I, the undersigned owner of the property opposite which I have signed my name, accept and agree to the estimated amount of benefits and damages that will accrue to my property by reason of the proposed improvement."

SEC. 18. That section 4226-8 of Rem. & Bal. Code be amended to read as follows:

Section 4226-8. The plat provided for in section 4226-6 shall be drawn upon a scale sufficiently large to show all the meanderings of the proposed improvement, and shall distinctly show the boundaries of each lot or tract of land and the location of each public or other road and sewer system to be benefited thereby, and so far as known, the name of the owner of each lot or tract of land, and each public or other road and sewer system affected, the distance in feet through each tract or parcel of land crossed by the proposed improvement, together with such other matters as the county engineer shall deem material, and the profile shall show the surface, and grade lines and the gradient fixed. The county engineer shall make and file with his report an itemized bill of costs incurred in the proper discharge of his duties under this act and the preceding sections, and shall report the same to the clerk of the board of county commissioners within ten days after the completion of the survey.

Plats and profile to show details.

Engineer's bill of costs.

SEC. 19. That section 4226-9 of Rem. & Bal. Code be amended to read as follows:

Section 4226-9. Upon the filing of the report of the county engineer, the board of county commissioners shall immediately fix a date for a hearing on such report, and the clerk of the board shall give notice thereof by publication for at least once a week for three successive weeks, in the official newspaper of the county, and also, if so directed by the board, in one other newspaper to be designated by the board, published in or near the proposed improvement district and of general circulation therein. Said notice shall fix the time and place for said hearing

Hearing on engineer's report.

Notice.

and shall specify the territory to be included in the proposed improvement district, both by boundaries and also by sections or fractions thereof. Such notice shall also designate with reasonable certainty the location, route and termini of the proposed improvement, and shall state that the plat, report and schedule on file in the office of the board of county commissioners show the property to be taken or damaged, and the amount of damages proposed to be allowed therefor. The last publication of such notice shall be not less than seven nor more than fourteen days before the date of said hearing. Said hearing, and also the hearing hereinafter provided, for fixing the apportionment of the cost of said improvement, may either or both of them be held at a place other than the county seat, and more convenient to the lands affected, if the board of county commissioners shall so order. The county engineer shall attend and have at such hearing his plats, plans, reports and schedules in relation to the proposed improvement, and the clerk of the board of county commissioners shall also attend and have at such hearing all petitions, claims, objections and other papers and documents relating to said improvement on file in his office.

Place of hearing.

SEC. 20. That section 4226-10 of Rem. & Bal. Code be amended to read as follows:

Section 4226-10. On the date set for said hearing the board of county commissioners shall meet at the place designated in the notice, and if it appear that due notice of such hearing has been given, shall proceed with the hearing on the report of the county engineer, and any objections thereto, and may adjourn said hearing from time to time and from place to place. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the system and the probable benefits to accrue therefrom, and may change, add to or modify the plans for such system of improvement and the boundaries of the improvement district, and change the estimate of damages and benefits in any case, and may review, change and modify any of

Hearing.

Change of plans and estimates.

the findings and estimates of the county engineer, and may, in its discretion, employ another engineer to make separate findings on any or all of the matters hereinbefore required to be included in the report of the county engineer, and may adjourn said hearing and await such report; or may discontinue proceedings in regard to the proposed improvement, at the cost of the petitioners therefor, if the board shall determine that the construction of the proposed improvement is not warranted by the benefits to be derived therefrom. In case the board shall determine to enlarge the boundaries of the district, a date shall be fixed for a new hearing and notice therefor shall be given and such hearing shall be held as provided for the hearing on the report of the county engineer. In case any change in the plans of the proposed improvement is made at said hearing, and such change will cause additional damage to any property, or will damage any property not damaged under the original plans, the county engineer shall prepare and file a schedule, showing the estimated damages and benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlements made as hereinafter provided. The board of county commissioners may at said meeting appoint the board of appraisers provided for in section 4226-25.

Enlarge-
ment of
proposed
district.

Appoint-
ment of
appraisers.

SEC. 21. That section 4226-13 of Rem. & Bal. Code be amended to read as follows:

Section 4226-13. For the purpose of taking or damaging property for the purposes of this act, counties shall have and exercise the power of eminent domain in behalf of the proposed improvement district, and the mode of procedure therefor shall be as provided by law for the condemnation of lands by counties for public highways: *Provided*, That the county, at its option, pursuant to resolution to that end duly passed by the board of county commissioners, may unite in a single action, proceedings for the acquisition and condemnation of different tracts of land required for rights of way which are held by separate

Power of
eminent
domain.

Single action
against sep-
arate owners.

owners. The court may, on motion of any party, consolidate into a single action separate suits for the condemnation of different tracts of land held by separate owners whenever from motives of economy or the expediting of business it appears advisable to do so. In such cases the jury shall render separate verdicts for the different tracts of land.

SEC. 22. That section 4226-16 of Rem. & Bal. Code be amended to read as follows:

Section 4226-16. When the board of county commissioners shall have finally determined and fixed the route and plans for the proposed system of improvement and the boundaries of the improvement district, and when it shall appear that the damages for property to be taken or damaged have been settled in the manner hereinabove provided, or when it shall appear that such damages have been settled as to a particular portion of the proposed improvement, and that construction of such portion of such proposed improvement is feasible, thereupon such system of improvement or such portion thereof, as the case may be, shall be constructed in the manner hereinafter provided.

SEC. 23. That section 4226-17 of Rem. & Bal. Code be amended to read as follows:

Section 4226-17. The cost of improvement shall be paid by assessment upon the property benefited, said assessment to be levied and apportioned as hereinafter prescribed. At the hearing provided for in section 4226-10, the board of county commissioners shall determine in what manner and within how many years said assessment shall be paid, and shall also at such hearing determine whether the evidence of indebtedness for the cost of said improvement shall be bonds or warrants. If bonds, it shall fix either ten or fifteen annual installments for the payment of said assessment. If warrants, it shall fix not to exceed five annual installments for the payment of said assessment. In case bonds are to be issued and the board shall determine on ten annual installments for the payment of

Assessment
of property
benefited.

Payment in
bonds or
warrants.

Instalments.

said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year.....	5%
For the 2nd year.....	5%
For the 3rd year.....	5%
For the 4th year.....	10%
For the 5th year.....	10%
For the 6th year.....	10%
For the 7th year.....	10%
For the 8th year.....	15%
For the 9th year.....	15%
For the 10th year.....	15%

In case bonds are to be issued and the board shall determine on fifteen annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year.....	3%
For the 2nd year.....	3%
For the 3rd year.....	3%
For the 4th year.....	3%
For the 5th year.....	3%
For the 6th year.....	5%
For the 7th year.....	5%
For the 8th year.....	5%
For each succeeding year.....	10%

In case warrants are to be issued, no annual installment shall be less than one-tenth nor more than one-half of the entire assessment.

In the event that the entire assessment upon any single tract or parcel of land, or contiguous tracts or groups of tracts belonging to the same owner is twenty-five dollars (\$25.00) or less, such assessment shall become due and payable at the time of the first general taxes next after the date of the levy shall become due, and the terms of this act relating to the payment of assessments in installments shall not apply to such assessments. The bonds shall be of such denomination, not less than one hundred dollars (\$100.00) nor more than five hundred

Payment of assessments less than \$25.

Bond issues.

dollars (\$500.00), as the county commissioners shall by resolution prescribe. The interest thereon shall be payable semi-annually and the bonds shall be numbered consecutively, be coupon in form, and shall recite that they are secured to be paid by assessments upon the property of drainage (or diking) improvement district number . . . of county, and that they are not a general obligation of such county. They shall be payable in their serial order, on any semi-annual coupon date, on the call of the treasurer whenever there shall be sufficient money in the bond redemption fund of the district against which they are issued, over and above that necessary for the payment of interest on all outstanding bonds, to pay the principal of one or more bonds at the next coupon date: *Provided*, That the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedules:

Redemption
schedules.

First, in case the assessment is payable in ten annual installments:

For the 1st year	10%
For the 2nd year	10%
For the 3rd year	10%
For the 4th year	10%
For the 5th year	10%
For the 6th year	10%
For the 7th year	10%
For the 8th year	15%
For the 9th year	15%

Second, in case the assessment is payable in fifteen annual installments:

For the 1st year	10%
For the 2nd year	5%
For the 3rd year	5%
For the 4th year	5%
For the 5th year	5%
For the 6th year	5%
For the 7th year	5%
For the 8th year	5%

- For the 9th year.....10%
- For the 10th year.....10%
- For the 11th year.....10%
- For the 12th year.....10%
- For the 13th year.....10%
- For the 14th year..... 5%

The treasurer shall give notice of such call by publication in the county official newspaper once each week for two consecutive weeks, the first publication of which notice shall be at least fifteen days prior to the next coupon date, stating that bonds No..... (giving their serial number or numbers) will be paid on the date the next interest coupons on said bonds shall become due, and interest upon such bonds shall thereupon cease upon such date. Each warrant and bond shall bear the date of its issuance and recite that it is payable on or before the first day of January of the third year after the last installment of the assessment upon which it is based shall become due. Each bond, shall state on its face that bonds of the district can not be called for payment at an earlier maturity than in accordance with the schedule therefor applicable thereto as herein provided, which schedule shall be printed on the face of the bonds. Each warrant and bond shall be signed by a majority of the board of county commissioners and attested by the county auditor under his seal, and each coupon shall have printed thereon a facsimile of the signature of such officers. Interest coupon No. 1 on such bonds shall be for the amount of interest due from the date of the issuance of said bonds to the 1st day of July in the year in which the first installment of the assessment becomes due and payable. The county treasurer shall register said bonds and warrants before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of said county commissioners and the county auditor, and that the seal attached is the seal of the county auditor. Neither bonds nor warrants shall be

Call for bonds.

Registration of bonds and warrants.

issued until after the expiration of the thirty days from the first publication of the notice given by the treasurer as provided in section 4226-30 and shall not be issued in any amount in excess of that portion of the assessment remaining unpaid after the expiration of such thirty-day period.

SEC. 24. That section 4226-18 of Rem. & Bal. Code be amended to read as follows:

Sale of
bonds and
warrants.

Section 4226-18. The board of county commissioners shall offer for sale the warrants and bonds or any part thereof, issued under the provisions of this act, and pay the proceeds thereof into the construction fund. Such sale shall be at public offering and under such rules and regulations and on such notice as they may determine, and the commissioners may accept the highest and best bid for such bonds or warrants received at such offering, or may reject any or all bids received. Any warrants or bonds issued under the provisions of this act or such portions thereof as shall remain unsold or undisposed of may be issued to the contractor constructing the improvement or any part thereof in payment therefor, and in case the improvement or any part thereof shall be constructed by the board of supervisors as in this act provided, may be issued in payment for work, labor and material performed and furnished therefor.

SEC. 25. That section 4226-19 of Rem. & Bal. Code be amended to read as follows:

Elections.

Section 4226-19. Upon the determination by the board of county commissioners to proceed with the work of construction, said board shall order an election to be held in some place within the district to be designated by the board, and shall appoint an election board to consist of one inspector and two judges, who shall qualify in like manner and receive like compensation as election officers at general elections. Notice of said election shall be given by the clerk of the board of county commissioners by publication once a week for two consecutive weeks in a newspaper to be designated by the board and of general cir-

Notice.

ulation in the district, the last of which publications shall be not less than seven nor more than fourteen days prior to the date of said election, and such notice shall also be posted by the sheriff of the county not less than fourteen days prior to the date of said election, in three of the most public places in the district. At such election the polls shall be open from one o'clock p. m. until seven o'clock p. m. All electors of the state owning land in the district shall be entitled to vote at said election and at the annual elections hereinafter provided for. At such election the election officers may require any person offering to vote to take an oath that he is qualified to vote as in this act provided. An officer or agent of any corporation, organized under the laws of this state owning land in the district, duly authorized thereto in writing, may, upon filing with the election officers such written instrument of authority, cast a vote on behalf of such corporation.

SEC. 26. That section 4226-20 or [of] Rem. & Bal. Code be amended to read as follows:

Section 4226-20. At the election provided for in the preceding section, two qualified electors of the county owning land in the district shall be elected, who, with the county engineer, shall constitute the first board of supervisors of said district. The board of supervisors shall have charge of the construction and maintenance of the system of improvement of the district, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance, who may be one of the two elected supervisors. The elected supervisors may themselves labor or be employed upon the work of construction or maintenance, receiving for such labor the same compensation as other labor of like character shall receive. The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he be a salaried officer such compensation shall be a charge against the district in favor of the engineer's office. The supervisor receiving the highest number of votes shall hold of-

Board of supervisors.

Compensation of engineer.

Election and terms of supervisors.

office until one year after the first annual election of the district and until his successor is elected and qualified, and the other supervisor shall hold office until his successor is elected at the first annual election and shall have qualified. Each elected supervisor shall qualify by taking the usual oath of office of county and precinct officers, and by giving a bond in an amount to be fixed and with surety to be approved by the board of county commissioners. The cost of furnishing such bond shall constitute a part of the cost of maintenance of such district. On the second Tuesday of December in the year following the election hereinabove provided for and annually thereafter, there shall be elected one supervisor of such district, who shall hold office for the term of two years and until his successor is elected and qualified. Such annual election shall be held upon the same notice and under the same regulations and in the same manner as the first election hereinabove provided for: *Provided*, That in any districts established under this act, or heretofore established under chapter LXVI of the Laws of 1901, not including any city or town and not more than two thousand acres in extent including all additions thereto, notice of annual elections of supervisors shall be given by posting only. In case a vacancy occur in said board from any cause, such vacancy shall be filled by appointment by the board of county commissioners of some qualified elector owning land in the district.

County engineer sole supervisor in minor districts.

Whenever any district organized under the provisions of this act contains not more than five hundred acres, or whenever a petition shall be presented to the county commissioners signed by the owners of fifty per cent of the acreage of such district praying for such action, the county engineer shall act as supervisor of the district and thereafter no board of supervisors shall be elected for such district; and in such case the allowance of all claims against the district shall be by the county commissioners.

SEC. 27. That section 4226-22 of Rem. & Bal. Code be amended to read as follows:

Construction of drainage systems.

Section 4226-22. The said board of supervisors shall, immediately upon their election and qualification, begin the

construction of such system of improvement and shall proceed with the construction thereof in accordance with the plans adopted therefor. In the construction of any system of drainage, construction shall be begun at the outlet or outlets thereof and at such other points as may be deemed advisable from time to time. In the construction of any system of improvement the board of supervisors with the approval of the board of county commissioners may modify, curtail, enlarge or add to the original plans wherever the same may be found necessary or advisable in the course of actual construction. But such changes shall not in the aggregate increase the estimated cost of the entire system by more than one-fifth, and all additional or different rights of way required shall be obtained as hereinbefore prescribed. The board of county commissioners may in its discretion let the construction of said system or any portion thereof by contract, in the manner provided for letting contracts for the construction of county roads and bridges. The board of county commissioners may, upon such terms as may be agreed upon by the United States acting in pursuance of the National Reclamation Act approved June 17, 1902 (32 Statutes at Large 388), and the acts amendatory thereof and supplemental thereto, or in pursuance to any other act of congress appropriate to the purpose, contract for the construction of the system of improvement or any part thereof, by the United States, or in co-operation with the United States therein. In such case, no bond shall be required, and the work shall be done under the supervision and control of the proper officers of the United States.

Modifica-
tion of plans.

Co-opera-
tion with
United
States.

Unless the work of construction is let by contract as hereinbefore provided, or for such part of such work as is not covered by contract, the board of supervisors shall employ such number of men as shall be necessary to successfully carry on the work of such construction, and shall give preference in such employment to persons owning land to be benefited by the improvement.

SEC. 28. That section 4226-23 of Rem. & Bal. Code be amended to read as follows:

Section 4226-23. The compensation of the board of supervisors, superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the board of county commissioners in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the board of county commissioners. Each county commissioner, except in counties of the first class, shall receive pay at the rate of four dollars (\$4.00) per day for the number of days he is engaged in the performance of any duty under this act, which sum shall be additional to his salary in case he receive an annual salary; and none of the statutory provisions limiting the number of days that a county commissioner shall draw pay for or limiting the number of sessions for attendance upon which he shall be entitled to mileage shall apply to any proceedings under this act. All officers and members of boards performing duties under this act shall receive in addition to their fees or salaries their actual necessary expenses incurred in the performance of their duties hereinunder. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at such rate not to exceed eight per cent per annum as the board of county commissioners shall fix, until paid or called by the county treasurer as warrants of the county are called.

If at the hearing provided for in section 4226-10 the county commissioners shall determine that bonds shall be issued to pay the costs of the improvement or warrants sold to procure funds with which to pay such cost, as therein provided, temporary warrants may be issued for

Compensation.

Payment by warrants.

Issuance of temporary warrants.

any part or all of such costs, expenses, fees, and charges, and shall be paid in cash upon the issuance and sale of such bonds, or shall be exchanged for an equal amount par value of such bonds. All such temporary warrants shall recite that they are temporary warrants and that they draw interest until called to be paid in cash or to be exchanged for bonds. All warrants issued under the provisions of this act and sold by the commissioners, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to secure the performance of the contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work.

Priority of
warrants
over other
claims.

SEC. 29. That section 4226-24 of Rem. & Bal. Code be amended to read as follows:

Section 4226-24. Whenever in the progress of the construction of the system of improvement it shall become necessary to construct a portion of such system across any public or other road or public utility, the board of supervisors, or in case the work is being done by contract the board of county commissioners, shall serve notice in writing upon the public officers, corporation or person having charge of, or controlling or owning such road or public utility, as the case may be, of the present necessity of such crossing, giving the location, kind, dimensions and requirement thereof, for the purpose of the system of improvement, and stating a reasonable time, to be fixed by the county engineer, within which plans for such crossing must be filed for approval in case the public officers, corporation or person controlling or owning such road or public utility desire to construct such crossing. As soon as convenient, within the time fixed in the notice, the public officers, corporation or person shall, if they desire to construct such crossing, prepare and submit to the county engineer for approval duplicate detailed plans and specifi-

Crossing
roads or
public
utilities.

cations for such crossing. Upon submission of such plans, the county engineer shall examine and may modify the same to meet the requirements of the system of improvement, and when such plans or modified plans are satisfactory to the county engineer he shall approve the same and return one thereof to the public officers, corporation or person submitting the same, and file the duplicate in his office, and shall notify such public officers, corporation or person of the time within which said crossing must be constructed. Upon the return of such approved plans, the public officers, corporation or person controlling such road or public utility shall, within the time fixed by the county engineer, construct such crossing in accordance with the approved plans, and shall thereafter maintain the same. In case such public officers, corporation or person controlling or owning such road or public utility shall fail to file plans for such crossing within the time prescribed in the notice, the board of supervisors or of county commissioners, as the case may be, shall proceed with the construction of such crossing in such manner as will cause no unnecessary injury to or interference with such road or public utility. The cost of construction and maintenance of only such crossings or such portion of such cost as would not have been necessary but for the construction of the system of improvement shall be a proper charge against the improvement district, and only so much of such cost as the board of county commissioners shall deem reasonable shall be allowed as a charge against the district in the case of crossings constructed by others than the district. The amount of costs of construction allowed as a charge against the district by the board of county commissioners shall be credited on the assessments against the property on which the crossing is constructed, and any excess over such assessment shall be paid out of the funds of the district.

Adjustment
of crossing
costs.

SEC. 30. That section 4226-25 of Rem. & Bal. Code be amended to read as follows:

Section 4226-25. When the improvement is fully completed and accepted by the county engineer, the clerk

Cost of im-
provement.

of the board shall compile and file with the board of county commissioners an itemized statement of the total cost of construction, including engineering and election expenses, the cost of publishing and posting notices, damages and costs allowed or awarded for property taken or damaged, including compensation of attorneys, including the costs of crossings constructed by the district and the cost of crossings constructed by others and allowed by the board of county commissioners, and including the sum paid or to be paid to the United States, and the discount, if any, on the bonds and warrants sold and including all other costs and expenses, including fees, per diem and necessary expenses of non-salaried officers incurred in connection with the improvement, together with interest on such costs and expenses from the time when incurred at the rate of interest borne by the warrants issued for the cost of construction. There shall also be included in said statement, in case the county engineer is a salaried officer, a statement of the services performed by him in connection with said improvement at a per diem of five dollars (\$5.00) per day and his necessary expenses, and a reasonable sum to be fixed by the board of county commissioners on account of the services rendered by the prosecuting attorney. Upon the filing of such statement of costs and expenses the board of county commissioners shall revise and correct the same if necessary and add thereto a reasonable sum which shall be not less than five per cent nor more than ten per cent of the total thereof in drainage improvement districts, and not less than ten per cent nor more than fifteen per cent of the total thereof in diking improvement districts, to cover possible errors in the statement or the apportionment hereinafter provided for, and the cost of such apportionment and other subsequent expenses, and interest on the costs of construction from the date of the statement until fifty days after the filing of the assessment roll with the treasurer; and unless the same have been previously appointed, shall appoint a board of appraisers consisting of the county engineer and two other

Apportionment.

competent persons, to apportion the grand total as contained in said statement as hereinafter provided. Each member of said board of appraisers shall take, subscribe and file with the board of county commissioners an oath to faithfully and impartially perform his duties to the best of his ability in making said apportionment, and said board of appraisers shall proceed to carefully examine the system and the public and private property within the district and fairly, justly and equitably apportion the grand total cost of the improvement against the property and the county or counties, cities and towns within the district, in proportion to the benefits accruing thereto.

SEC. 31. That section 4226-26 of Rem. & Bal. Code be amended to read as follows:

Apportionment against cities, towns and counties benefited.

Section 4226-26. Whenever any system of improvement constructed under the provisions of this act will drain, protect or otherwise improve the whole or any part of any public road, roadbed or track thereof, or where any such system of improvement will furnish an outlet for or facilitate the construction or maintenance of any sewer system in any city or town, there shall be apportioned against the county in which any such state or county road outside of any incorporated city or town is located or against the city or town in which any such public road is located, or against any such other road or part thereof so drained, protected or otherwise improved, or against the city or town for which an outlet for sewage will be furnished or wherein the construction or maintenance of a sewer system will be facilitated, the proper amount of the total sum to be apportioned. The board of county commissioners may pay such portion as they deem proper of the amount assessed against the county on account of the drainage, protection or improvement of the roads, out of the funds of the road district in which such drainage, protection or improvement is made.

SEC. 32. That section 4226-30 of Rem. & Bal. Code be amended to read as follows:

Hearing on apportionment.

Section 4226-30. Upon the filing of the schedule of apportionment, the board of county commissioners shall

fix the time and place for a hearing thereon which time shall be not more than 60 days from the date of the filing thereof and notice of such hearing shall be given in the manner provided for giving notice of hearing in section 4226-9. Said notice shall fix the time and place of hearing on said roll, and shall state that the schedule of apportionment showing the amount of the cost of the improvement apportioned to each county, city, town and piece of property benefited by the improvement is on file in the office of the board of county commissioners and open to public inspection, and shall notify all persons who may desire to object thereto that they may make such objections in writing and file the same with the clerk of the board of county commissioners at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times and places as the hearing may be continued to, the board of county commissioners will sit as a board of equalization for the purpose of considering such schedule and at such hearing or hearings will also consider any objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such schedule, or any part thereof, or set aside such schedule and order that such apportionment be made *de novo* as to such body shall appear just and equitable, and that at said hearing the board will confirm said schedule as finally approved by them and will levy an assessment against the property described thereon for the amounts as fixed by them. The board of county commissioners shall serve by mail, at least ten days before such hearing, upon the commissioner of public lands of the State of Washington a like notice, in duplicate, showing the amount of the cost of the improvements apportioned against all state, school, granted, or other lands owned by the State of Washington in such district. Upon receipt of such notice the commissioner of public lands shall endorse thereon a statement either that he elects to accept or that he elects to contest such apportionment, and shall return the same, so endorsed, to the board of county commissioners. At or

Notice.

Approval or
modification
of appor-
tionment.

prior to such hearing any person interested may file with the clerk of the board written objections to any item or items of said apportionment. At such hearing, which may be adjourned from time to time and from place to place, until finally completed, the board of county commissioners shall carefully examine and consider said schedule and any objections filed or made thereto and shall correct, revise, raise, lower, change or modify such schedule or any part thereof, or strike therefrom any property not benefited, or set aside such schedule and order that such apportionment be made *de novo*, as to such body shall appear equitable and just. The board shall cause the clerk of the board to enter on such schedule all such additions, cancellations, changes, modifications and reapportionments, all credits for damages allowed or awarded to the owner of any piece of property benefited, but not paid, as provided in section 4226-14; also a credit in favor of the county on any apportionment against the county, of all sums paid on account of said improvement, as provided in section 4226-15; and all sums allowed the county on account of services rendered by the county engineer or prosecuting attorney, as provided in section 4226-25; and all credits allowed to property owners constructing crossings as provided in section 4226-24. When the board of county commissioners shall have finally determined that the apportionment as filed or as changed and modified by the board is a fair, just and equitable apportionment, and that the proper credits have been entered thereon, the members of the board approving the same shall sign the schedule and cause the clerk of the board to attest their signature under his seal, and shall enter an order on the journal approving the final apportionment and all proceedings leading thereto and in connection therewith, and shall levy the amounts so apportioned against the property benefited, and the determination by the board of county commissioners in fixing and approving such apportionment and making such levy shall be final and conclusive.

Assessment
roll.

The board of county commissioners shall also at said hearing, levy, in the manner hereinafter provided for the

the levy of maintenance assessments, such assessment as they shall deem necessary to provide funds for the maintenance of the system of improvement until the first annual assessment for maintenance shall fall due. Upon the approval of said roll the county auditor shall immediately prepare a completed assessment roll which shall contain, first, a map of the district showing each separate description of property assessed; second, an index of the schedule of apportionments; third, an index of the record of the proceedings had in connection with the improvement; fourth, a copy of the resolution of the board of county commissioners fixing the method of payment of assessments; fifth, the warrant of the auditor authorizing the county treasurer to collect assessments; and sixth, the approved schedule of apportionments of assessments; and shall charge the county treasurer with the total amount of the assessment and turn the roll over to the treasurer, for collection in accordance with the resolution of the board of county commissioners fixing the method of payment of assessments. As soon as the assessment roll has been turned over to the treasurer for collection, he shall publish a notice in the official newspaper of the county for once a week for at least two consecutive weeks, that the said roll is in his hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time on or before a date stated in such notice, which date shall be thirty days after the date of the first publication, without interest, and the treasurer shall accept such payment as in said notice provided. Upon the expiration of such thirty-day period the county treasurer shall certify to the county auditor the total amount of assessments so collected by him and the total amount of assessments remaining unpaid upon said roll. After the expiration of said thirty-day period, payment of assessments in full, with interest to the next coupon date which is more than thirty days from the date of such payment, may be made at any time: *Provided*, That the aggregate amount of such advance payments in any year, to-

gether with the total amount of the assessments due at the beginning of said year, shall not exceed the total amount of the bonds which may be called in that year according to the applicable bond redemption schedule. The treasurer shall accept payments of assessments in advance, in the order tendered, until the limit herein set forth has been reached.

Interest rates.

The assessments contained in the assessment roll shall bear interest from the expiration of the thirty-day period at the rate of eight per cent. per annum and interest upon the entire assessment then unpaid shall be due and payable at the time each of said installments becomes due and payable as a part thereof: *Provided*, That if the bonds or warrants be sold at a lower rate of interest than eight per cent. then said assessments shall bear interest at the same rate borne by such bonds or warrants.

Lien of assessments.

The assessments contained in said assessment roll shall be liens upon the property assessed, such lien shall be of equal rank with other liens assessed against the property for local improvements and paramount to all other liens except the lien of general taxes, and shall relate back to and take effect as of the date when the board of county commissioners determined to proceed with the construction of the improvement as provided in section 4226-16.

SEC. 33. That section 4226-31 of Rem. & Bal. Code be amended to read as follows:

Section 4226-31. There shall be established in the county treasury of any county in which any drainage or diking improvement is established under the provisions of this act, appropriate funds as follows:

Construction fund.

(1) The construction fund, into which shall be paid the proceeds of all bonds or warrants sold and the proceeds of all assessments paid prior to the sale of bonds or warrants. In case no bonds have been issued or warrants have been sold, the proceeds of all assessments levied to pay the cost of construction shall be paid into such fund. All warrants, including temporary warrants, issued in payment of cost of construction shall be paid out of such fund.

(2) A fund for the redemption of all bonds issued or warrants sold, to be known as the redemption fund, into which shall be paid all proceeds derived from assessments levied to pay cost of construction which shall not have been paid prior to the sale of bonds or warrants, in case bonds have been issued or warrants sold, and also all moneys, if any, remaining in the construction fund after the payment of all warrants drawn against it as above provided. The redemption fund shall be applied, first, to the payment of the interest due upon all such outstanding bonds issued or warrants sold and, second, to the payment of the principal thereof. After the payment of the principal and interest of all such bonds or warrants, the balance, if any, remaining in such fund shall be applied to the payment of any warrants outstanding, including temporary warrants, which may have been issued in payment of cost of construction which for any reason may remain unpaid. Any balance, if any, thereafter remaining shall be paid into the maintenance fund.

Redemption
fund.

(3) The maintenance fund, into which shall be paid the proceeds of all assessments for maintenance, and all other funds received by the district which are not required by the provisions of this act to be paid into the construction fund or the redemption fund.

Maintenance
fund.

The respective installments of assessments for construction or maintenance of improvements made under the provisions of this act, shall be collected in the same manner and shall become delinquent at the same time as general taxes, and shall bear interest after delinquency at the rate of ten per cent per annum, and the lien thereof shall be enforced by foreclosure and sale of the property assessed, as in the case of general taxes. The purchaser, upon the foreclosure of any certificate of delinquency for any assessment or installment thereof, shall acquire title to such property subject to the installments of the assessment not yet due, and the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state.

Collection
and fore-
closure of
assessments.

Payment
by holder of
delinquent
tax certifi-
cate.

The holder of any certificate of delinquency for general taxes may, before commencing any action to foreclose the lien of such certificate, pay in full all drainage or diking improvement district assessments or installments thereof outstanding against the whole or any portion of the property included in such certificate of delinquency, or, if he elect to foreclose such certificate without paying such assessments in full, the purchaser at such foreclosure sale shall acquire title to such property subject to all drainage or diking improvement district assessments a lien thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If such holder shall pay such drainage or diking improvement district assessments, he shall be entitled to ten per cent interest per annum on the amount of the delinquent assessments or delinquent installments thereof so paid, from date of payment.

Application
of proceeds of
tax sales.

In any case where any property shall be struck off to or bid in by the county at any sale for general taxes, and such property shall subsequently be sold by the county, the proceeds of such sale shall first be applied to discharge in full the lien or liens for general taxes for which the same was sold, and the remainder, or such portion thereof as may be necessary, shall be paid to the district to discharge all drainage or diking improvement district assessment liens upon such property, and the surplus, if any, shall be distributed among the proper county funds.

Reassess-
ments.

Whenever any improvement, any extension or betterment thereof shall have been constructed in whole or in part, either heretofore in a district established or attempted to be established under and by virtue of chapter 66 of the Laws of 1901, or in a district heretofore or hereafter established or attempted to be established under this act, and the assessment therefor or any part thereof shall be invalid by reason of any omission, irregularity or defect in any proceeding whatever, a reassessment shall be made upon the property benefited by the improvement to provide a fund for the payment of the costs thereof,

and any bonds or warrants issued therefor in the following manner:

The board of county commissioners shall by order cause the clerk of the board to compile and file with the board an itemized statement of the total cost of the improvement in the manner prescribed by section 4226-25. Upon the filing of such statement the same proceedings shall be had assessing the costs of said improvement against the lands benefited thereby and the counties, cities and towns within the district, as are prescribed by section 4226-25 and subsequent sections of this act. In case no bonds have been issued or warrants sold to pay the costs of said improvement, the same may be issued and sold and disposed of as hereinbefore provided. In case an assessment for such improvement shall have been theretofore made or attempted, and any payment has been made thereon, proper credit for the amount of such payment shall be made upon the reassessment.

Credits for
prior
payments.

If upon the foreclosure of the assessment upon any property the same shall not sell for enough to pay the assessment against it, or if any property assessed was not subject to assessment, or if any assessment made shall have been eliminated by foreclosure of a tax lien or made void in any other manner, the board of county commissioners shall cause a supplemental assessment to be made on the property benefited by the improvement and against the county, cities and towns chargeable therewith in the manner provided for the original assessment, to cover the deficiency so caused in the original assessment.

Supplemental
assessment
for
deficiencies.

If by inadvertence or for any cause the assessment levied shall be found to be insufficient to meet the entire cost of construction, a supplemental assessment shall be made by the board of county commissioners upon the lands of the district in the same proportion as the original assessment is levied, same being spread over not to exceed three years as the commissioners may determine.

Correction
of errors.

Duplicate assessments or other errors that may by inadvertence be found to have been incorporated in the assessment roll may be corrected by order of the county commissioners upon same being certified to them by the treasurer and the engineer.

SEC. 34. That section 4226-32 of Rem. & Bal. Code be amended to read as follows:

Annual
maintenance
estimate.

Section 4226-32. On or before the first Monday in September in each year the board of supervisors of each district organized under the provisions of this act shall make and file with the board of county commissioners of the county containing such district, a statement and estimate in writing of the amount required for maintenance of the system of improvement of said district for the ensuing fiscal year, and the board of county commissioners shall, on or before the first Monday in October next ensuing, levy an assessment for the amount of said estimate, or such amount as it shall deem advisable, upon the property within the district and against the county, cities and towns chargeable therewith in the same proportion as the assessment to pay the original cost of construction of said system of improvement was levied. Such levy shall be certified by the county auditor to the county treasurer, who shall extend the same upon the assessment roll. The maintenance assessments on all tracts of land of not more than one-half acre in area shall accumulate from year to year and every fifth year such accumulated levy shall be extended on the rolls and collected. Upon petition filed by two or more assessed property owners of a district the county commissioners may, in their discretion, hold a hearing at the county seat for the purpose of reapportioning the maintenance charges in such district; to be held at the time of the equalization of the real property assessment in the even numbered calendar years. Preliminary to such hearing the county commissioners shall appoint a board of three appraisers, of whom the county engineer shall be one, who shall qualify and proceed as the board of appraisers appointed to apportion the original cost of

Levy of
assessment.

Hearing.

the system, and shall report to and file with the board of county commissioners their recommendations in such matter not less than twenty days prior to the date of such hearing. Notice of the filing of such report and that such hearing will be held shall be given by publication in the official county newspaper and in such other newspaper published in or near such district as the county commissioners may in their discretion direct in two successive publications, the last of which shall not be less than seven or more than fourteen days prior to the date of said hearing. And at such hearing the commissioners may make such change in the basis of the apportionment of the levies for the maintenance of such system of improvement as may seem just and equitable. In maintaining the system of improvement of their district the board of supervisors may, with the approval of the board of county commissioners, make expenditures in excess of the annual maintenance fund herein provided for, which excess amount shall in such event be included in the maintenance levy for the succeeding year: *Provided*, That when, owing to floods or other causes an unusually high maintenance levy or expenditure in excess of the current levy shall be necessary the board of county commissioners may provide that such levy or the levy to meet such excess expenditure be spread over a term of years and warrants or bonds issued to meet the same as herein provided for the original construction cost of a system of improvement.

Spreading
excessive
levy over
term of
years.

SEC. 35. That section 4226-33 of Rem. & Bal. Code be amended to read as follows:

Section 4226-33. The amount of the costs of construction or maintenance of any system of improvement assessed against any city, town or county may be met by levies to be paid in similar installments and extending over a like period of time as the assessments against property benefited are spread, or such amounts may be met by the issue and sale of the bonds of such city, town or county in the manner in which bonds to meet general indebtedness of such city, town or county are issued. The proper au-

Assessments
against
cities, towns
and counties,
how met.

thorities of such city, town or county shall make the necessary levies to meet such amounts thus apportioned thereto as a general levy on all property therein.

SEC. 36. That section 4226-34 of Rem. & Bal. Code be amended to read as follows:

Abandonment or enlargement of system.

Section 4226-34. Upon a petition and bond being filed by one or more land owners, either within or without the boundaries of a district, and like proceedings being had as in the case of the original establishment and construction of a system of improvement, the county commissioners may declare any system of improvement or any part thereof, abandoned or may strike from the district lands no longer benefited or served thereby, or they may cause any system of improvement to be altered, reduced, enlarged, added to or in any other manner bettered or improved, either within or without the district, and to effect such subsequent improvements, may exercise any of the powers which are in this act, or may be hereafter conferred upon such districts. But the striking of any lands from a district shall not in any way affect any assessment theretofore levied against such lands. When such improvements shall have been completed the costs thereof shall be apportioned and assessed against the lands benefited thereby in the manner hereinbefore provided for such apportionment and assessment in the case of original proceedings. New lands assessed for any such improvement shall become a part of such district. The construction and maintenance of any such new improvement, unless let by contract by the board of county commissioners, shall be under the direction of the board of supervisors of the district in which they are made or to which said improvement is added. The lands assessed for such new improvements, of less than the entire district, shall be designated, alphabetically, "sub-district of improvement district No."

Sub-districts.

SEC. 37. That section 4226-35 of Rem. & Bal. Code be amended to read as follows:

Extension of existing system.

Section 4226-35. When any extension of or addition to any existing system of improvement shall be thus con-

structed, the cost thereof shall be assessed to all the property, counties, cities and towns in the enlarged district benefited thereby in proportion to the benefits received therefrom. Any new lands thus brought into the district shall be assessed in addition a proper and equitable share of the then value of the original system of improvement in proportion to the benefits which such new lands derive therefrom. In determining the value to be so assessed the board of appraisers shall take into consideration the amount, if any, which the property to be assessed has already paid toward the construction of the original system and all other matters that may be pertinent. If at any time it shall appear to the board of supervisors of any drainage or diking improvement district that any lands without the boundaries of such district are being benefited by the improvements of the district and are not being assessed for the benefits received, they shall file a petition with the board of county commissioners praying the benefits received by such lands be determined and an assessment made upon such lands for the benefits so received. Thereupon, the board of county commissioners shall appoint a board of appraisers as provided in section 4226-25 for the apportionment of the cost of construction of the original system of improvement, and an apportionment of the then value of the improvements of the district shall be made to such lands in proportion to the benefits received therefrom as nearly as may be in the manner provided for the apportionment of the cost of the original system of improvement. In determining what share of the value of the improvements of the district shall be apportioned to such lands the board of appraisers shall take into consideration the benefits already received by such lands and all other matters that may be pertinent. The amount of the value of the original system assessed upon any new property brought within the district shall be rebated *pro rata* upon the assessments, if any, outstanding against the lands of the district on account of the construction of such original system. If the assessment against any land

Assessment
of new lands.

Apportion-
ment of
original cost.

has been paid in full, or if the assessment remaining outstanding against such land is less than the rebate apportioned to such land, the amount so rebated or excess of rebate over assessment shall be paid into the maintenance fund of the district and a proper credit on any existing or future assessment for maintenance shall be entered in favor of the land entitled thereto. The lands in the original district shall remain bound for the whole of the original unpaid assessment thereon for the payment of any outstanding unpaid warrants or bonds secured to be paid by such assessments.

SEC. 38. That section 4226-37 of Rem. & Bal. Code be amended to read as follows:

Section 4226-37. The board of supervisors of each district shall make reasonable rules and regulations whereby any owner of land in the district may make connection for drainage purposes, with any drainage system thereof. They shall also maintain and keep efficient the system of improvement of the district.

SEC. 39. Nothing in this act contained shall be construed as in anywise modifying or repealing any of the provisions of chapter 115 or of chapter 117 of the Laws of 1895, or the acts amendatory thereof or supplemental thereto, or affecting any proceedings heretofore or that may hereafter be had under the provisions of said acts.

Passed the Senate February 27, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

Rules for
connections
with system.

Inapplica-
bility of act
to prior
laws.

CHAPTER 131.

[S. B. 198.]

REORGANIZATION OF DIKING AND DRAINAGE DISTRICTS
AS IMPROVEMENT DISTRICTS.

AN ACT providing for the reorganization of diking and drainage districts as diking and drainage improvement districts, providing for the levy and collection of assessments on lands therein and the issuance of bonds thereby, and providing for assessing the costs of extensions or enlargements of the improvements of such districts, and declaring that this act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

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

SECTION 1. Any drainage district or diking district organized under the provisions of chapter 115 or chapter 117 of the Laws of 1895, and the acts amendatory thereof, may be reorganized as a drainage improvement district or a diking improvement district, upon proceedings had in accordance with the provisions of this act.

Reorganiza-
tion
authorized.

SEC. 2. For the purpose of securing such reorganization, a petition shall be presented to the clerk of the board of county commissioners of the county in which such district is located, at a regular or special meeting of the board. The petition shall be signed by the board of commissioners of the district and shall state the number of the district seeking to reorganize, and shall pray that such district be reorganized as a drainage or a diking improvement district.

Petition of
district.

SEC. 3. Whenever a petition is presented as provided in section 2, the clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district, to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage or a diking improvement district. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held, and shall require the voters to cast bal-

Notice of
election.

lots which shall contain the words "Reorganization, Yes," or "Reorganization, No." Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places in the district; and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election.

Result of election.

SEC. 4. An election board for such election shall be appointed, and such election shall be held and the votes cast thereat shall be canvassed as is provided for elections held for the organization of a drainage district. If, upon such canvass and count, it appears that a majority of the votes cast are for "Reorganization, Yes," the board shall enter an order upon their minutes declaring such district reorganized as a drainage or as a diking improvement district. If it appears that a majority of the votes cast are for "Reorganization, No," the board shall enter an order dismissing the proceedings, and shall, in either case, cause a statement of the costs of such proceeding to be prepared and transmitted to the commissioners of the district, who shall allow and pay the same as an expense of maintenance of the district.

Costs of proceeding.

Reorganization effected.

SEC. 5. Upon the entry of the order provided for in section 4, such reorganized district shall be known as a drainage or a diking improvement district of the same number as borne by it as a diking or a drainage district; and the board of commissioners of such district shall, together with the county engineer, constitute the board of supervisors of the reorganized district until the second Tuesday of December following such reorganization, when an election shall be held as provided for annual elections in drainage improvement districts, at which two supervisors shall be elected, who shall serve for the terms and whose successors shall be elected in the manner provided for the first board of supervisors in drainage improvement districts. From the entry of said order such reorganized

Election of supervisors.

district, and its board of supervisors herein provided for, shall have all the rights and powers of and be subject to all laws applicable to a diking or drainage improvement district, and such district so reorganized shall be dissolved without any further proceedings therefor. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such reorganization had been had. The board of county commissioners of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.

Dissolution
of old
district.

Payment of
outstanding
indebtedness.

SEC. 6. Whenever in any district reorganized under the provisions of this act any bonds issued prior to such reorganization shall become payable and the board of county commissioners shall determine that it will be for the best interests of the owners of a majority of the acreage of lands included in such district to issue refunding bonds and to levy an assessment, payable in ten or fifteen years; instead of levying the annual assessments required by law to be levied to liquidate such outstanding bonds, they may levy such assessment and fix the time for the payment thereof at either ten or fifteen years, and fix the installments in which such assessment shall be paid as provided for the payment of assessments for the costs of construction under the provisions of chapter 176 of the Laws of 1913, and acts amendatory there-

Refunding
bonds.

Levy of
assessments
payable in
instalments.

of; and they may issue refunding bonds of the district in the manner hereinafter provided, to provide funds with which to pay such outstanding bonds then payable.

Apportionment of assessment.

SEC. 7. The board shall determine the amount of the assessment necessary to be levied to provide funds to liquidate the bonds of the district then payable and shall cause such assessment to be apportioned to the lands of the district in proportion to the maximum benefits as fixed by the judgment of the jury, and shall cause to be prepared an assessment roll showing the assessment apportioned against each tract, lot and parcel of land contained in such judgment and shall file such roll with the clerk of the board. Thereupon the board shall adopt a resolution which shall set forth:

Resolution of intention to issue refunding bonds.

1. A schedule showing the bonds outstanding against the district then payable which they propose to refund, and the assessment necessary to be levied to provide funds for the payment thereof.

2. That the assessment roll for the collection of the assessments proposed to be levied against the lands of the district is on file with the clerk of the board and open to the inspection of all persons interested.

3. That the commissioners propose to levy such assessments for collection in installments according to the schedule attached thereto.

4. A schedule showing the installments in which such assessments are to be paid.

5. That the assessments contained in such assessment roll may be paid in full at any time prior to the expiration of thirty days after such assessment roll shall have been turned over to the treasurer for collection and he shall have published a notice to that effect, and that all assessments not so paid shall thereafter bear interest until due at a rate to be fixed therein.

6. That the commissioners propose to issue bonds under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, payable in years (to

be stated in the resolution), to refund such outstanding bonds then payable.

7. A date which shall be not more than sixty nor less than thirty days from the date of the adoption of such resolution, on which the board will hear any objections offered to the proposed levy and issuance of refunding bonds, or to the assessment roll prepared by the commissioners.

SEC. 8. Upon the preparation of the roll and the adoption of the resolution, the clerk of the board shall cause to be published in some newspaper published in the county and of general circulation therein, a notice containing a copy of the resolution and stating that on the date fixed therein for the hearing the board will meet and hear any objection offered to the proposed levy of the assessment or to the issuance of refunding bonds or to the assessment roll or any assessment therein contained; and stating that all persons interested may file any objections they may have to the proposed levy or issuance of bonds or the assessment roll with the board of commissioners prior to the date fixed for such hearing. The last publication of such notice shall not be less than ten days prior to the date fixed for such hearing.

Notice
to file
objections.

SEC. 9. The board shall meet on the day fixed in the notice or to which the hearing may have been adjourned, and shall consider all objections which shall have been filed, and may modify any action as proposed in said resolution; and may correct any errors in the assessment roll and shall confirm the roll as corrected and shall levy the assessments therein contained for collection as prescribed in the resolution as finally adopted and shall enter an order confirming said roll.

Confirma-
tion of
assessment
roll.

Upon the confirmation of the assessment roll and the levy of the assessments therein contained, the board shall cause the clerk to attach thereto a copy of the resolution and certify such roll and resolution and turn the assessment roll over to the county treasurer for collection in accordance with the resolution attached thereto.

Dismissal of proceedings.

If before or at the hearing herein provided for protests have been filed by the owners of more than fifty per cent. of the acreage of land in the district objecting to the proposed levy and issuance of bonds, the board shall enter an order dismissing the proceedings and shall charge the cost thereof to the district as a maintenance charge.

Collection of assessments.

SEC. 10. As soon as the assessment roll has been turned over to the treasurer for collection, he shall publish a notice in the official newspaper of the county, once a week for at least two successive weeks, that the said roll is in his hands for collection and that any assessments therein or any portion of any such assessments may be paid at any time on or before a date stated in such notice, which date shall be thirty days after the date of the first publication, without interest. All assessments levied as provided herein, which shall not be paid within thirty days as herein provided for shall be collected in the manner provided for the collection of assessments levied to pay the costs of construction in drainage improvement districts, and all the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, shall govern the collection of such assessments so far as the same shall be applicable.

Issuance and sale of refunding bonds.

SEC. 11. Upon the expiration of thirty days from the first publication of the notice given by the treasurer as provided herein, the board of county commissioners may issue and sell refunding bonds of the district, payable as determined by them in their resolution, in the manner provided for the issuance of bonds to pay the costs of construction in drainage improvement districts; and all the provisions of law governing the issuance, sale and payment of such bonds shall govern the issuance, sale and payment of the bonds herein provided for.

Application of proceeds of assessments and bond sales.

SEC. 12. The proceeds of all assessments paid within the thirty-day period herein provided for, and the proceeds of the sale of all refunding bonds, shall be paid into a proper fund to be established in the county treasury, and shall be applied to the payment of all outstanding

bonds then due in the manner in which such bonds are required to be paid by the law under which they were issued, and such bonds shall be called and paid accordingly. The proceeds of all payments of assessments paid after the expiration of thirty days from the first publication of the notice given by the treasurer as herein provided, shall be paid into a fund to be established in the county treasury, to be known as the "refunding bond redemption fund," and shall be applied to the payment of such bonds as provided by chapter 176 of the Laws of 1913, and acts amendatory thereof.

SEC. 13. The board of county commissioners shall have all the powers possessed by the board of commissioners of any district reorganized under the provisions of this act prior to such reorganization, to levy assessments for the payment of the interest on any other bonds of the district not then payable and refunded under the provisions of this act, and to levy assessments to provide a sinking fund for the liquidation of such bonds at their maturity. Such assessments shall be called and collected in the manner provided by the law under which they were assessed, and such bonds shall be paid as provided by the law under which they were issued. Proper funds shall be established in the county treasury for the proceeds of the payments of such assessments, and such funds shall be applied to the payment of the bonds for the payment of which they were levied.

Liquidation
of bonds not
refunded.

SEC. 14. Whenever in any district reorganized under the provisions of this act, extensions or additions are made to the system of improvements of the district to provide drainage or protection from overflow for lands previously found benefited and assessed for the construction of the original system of improvement which are not receiving benefits therefrom in proportion to the benefits found and the assessments levied against such lands, the costs of such extensions or additions shall be included as a cost of maintenance of the improvements of the district

Payment for
extensions
designed
to repair
inadequate
benefits.

and shall be levied and collected in the manner provided for the levy and collection of such costs.

Emergency.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 24, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 132.

[S. B. 226.]

DRAINAGE IMPROVEMENT DISTRICT REFUNDING BONDS AND REASSESSMENTS.

AN ACT relating to drainage improvement districts, providing for the issuing of bonds thereby in certain cases to retire outstanding bonds and warrants and for the reassessment of costs incurred in the construction of improvements therein.

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

Refunding bonds for drainage improvement districts.

SECTION 1. Whenever in any drainage improvement district a drainage system has been constructed pursuant to the provisions of chapter 66 of the Laws of 1901, and the costs of construction thereof have been paid entirely by the issuance of warrants, or partly by the issuance of bonds of the district pursuant to the provisions of chapter 176 of the Laws of 1913, and partly by the issuance of warrants, refunding bonds of the district may be issued to procure funds with which to pay such outstanding bonds and warrants or to exchange for such outstanding bonds and warrants, as herein provided.

Issuance and mode of payment.

SEC. 2. The board of county commissioners shall determine in the manner provided by section 4226-17 of Rem. & Bal. Code the term for which bonds shall be issued and the installments in which the assessments shall be paid, and shall determine the total amount of all such outstanding bonds and warrants, including any warrants

issued for any costs of construction which for any reason may not have been included in the costs apportioned and assessed against the lands of the district either in the original apportionment and assessment or in any attempted supplemental apportionment and assessment; and they shall add thereto a reasonable sum, not to exceed five per cent of the total amount of all such outstanding bonds and warrants, to cover the costs of the proceedings and the issuance of the refunding bonds. With the advice and assistance of the county engineer, the county commissioners shall apportion the aggregate amount against the lands of the district in the following manner: (1) All unpaid assessments or any part thereof, legally levied in the original apportionment and assessments for costs of construction, shall be apportioned against the counties, cities, lands and other property against which they were theretofore assessed; (2) All costs of construction omitted for any cause from the original apportionment and assessment, and all costs not legally assessed in the original apportionment and assessment shall be apportioned to the lands and other property of the district and to the counties, cities and towns benefited thereby in proportion to the benefits derived from the drainage system of the district. Thereupon the county commissioners shall prepare a reassessment roll, showing the total amounts so apportioned and reapportioned, and giving proper credit for all payments theretofore made on assessments for costs not legally assessed in the original proceedings or in any attempted supplemental proceedings.

Determina-
tion of
outstanding
indebtedness.

Apportion-
ment.

Reassess-
ment roll.

SEC. 3. Upon the completion of the reassessment roll, the board of county commissioners shall fix a day for a hearing thereon, which hearing may be either at the commissioners' office or at some place in the district; and shall cause notice thereof to be given in the manner provided for the giving of notice of a hearing on a schedule of apportionment in drainage improvement districts. Such notice shall describe the boundaries of the district and the sections and lesser subdivisions of land contained

Notice of
hearing.

therein, and shall state that the reassessment roll of said drainage improvement district is on file in the office of the clerk of the board of county commissioners and open to public inspection; and that at or prior to the hearing, any person interested may file written objections to the amount of said reassessment roll or any item thereof. At the hearing, the board may equalize and apportion according to the benefits received therefrom, all costs apportioned in the original or any supplemental proceedings which they may find to have been illegally apportioned and assessed and all costs which were not apportioned and assessed either in the original or in any attempted supplemental proceedings, but they shall not change the apportionment and assessment of any costs which they shall find to have been legally made in the original proceedings. Upon the completion of the equalization and apportionment of the reassessment roll the board shall enter an order approving the same, and shall levy the assessments therein contained against the lands and the property and against the cities, towns and counties therein described, and shall turn the roll over to the treasurer for collection in accordance with the resolution of the board of county commissioners fixing the method of payment of the assessments therein contained.

Equalization
of roll.

Levy of
assessments.

Collection of
assessments.

Law
governing
procedure.

SEC. 4. Thereupon the treasurer shall give notice that the roll is in his hands and that assessments may be paid thereon, as provided for similar notice in drainage improvement districts; and all the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, shall govern the adoption, extension and transmission of the reassessment roll, and the collection of the assessments therein contained, and the form, denomination, and manner of issuance and manner of payment of the refunding bonds, and shall also govern all other matters and procedure herein provided for, so far as the same shall be applicable: *Provided*, That the additional sum required by section 1 of this act to be levied to cover the cost of the reassessment and other expenses, shall not be

collected on any assessments paid in full before the issuance of refunding bonds.

SEC. 5. After the expiration of thirty days from the first publication of the notice given by the treasurer, that the assessment roll is in his hands for collection, the county commissioners may issue and sell refunding bonds of the district, as determined by them in their resolution, to the amount of the total assessments remaining unpaid upon the reassessment roll at the expiration of the thirty days above mentioned; or they may issue and exchange such refunding bonds at par value for any bonds or warrants outstanding against the district.

Sale of
refunding
bonds.

Exchange for
warrants and
other bonds.

SEC. 6. The proceeds of the sale of any refunding bonds and of all payments of assessments levied in the original assessment roll or in any attempted supplemental roll, or in the reassessment roll, within the thirty day period above mentioned, and any balance remaining in the fund for the payment of the outstanding bonds and warrants of the district, after such bonds and warrants shall have been paid, shall be paid into a fund to be designated the "Refunding Bond Redemption Fund," and shall be applied: (1) To the payment of the interest on all outstanding refunding bonds, and (2) to the payment of the principal of such bonds in the order of their issuance.

Refunding
bond re-
demption
fund.

SEC. 7. Upon the entry of the order confirming the reassessment roll, and the levy of the assessments contained therein, the reassessment roll herein provided for shall govern the collection of all assessments against the lands of the district. No assessments for maintenance levied against the lands of the district shall be affected by the reassessment herein provided for, but such assessments shall be collected as if no reassessment proceedings had been had.

Reassess-
ment not to
affect prior
maintenance
levies.

Passed the Senate February 24, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 133.

[S. B. 307.]

REVISION OF ASSESSMENTS AND INCURRENCE OF EMERGENCY OBLIGATIONS BY DRAINAGE DISTRICTS.

AN ACT relating to drainage districts, providing for assessments according to benefits, authorizing and incurring additional obligations in case of emergency and amending sections 4149 and 4163 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4149 of Remington & Ballinger's Annotated Codes and Statutes be amended to read as follows:

Section 4149. If at any time it shall appear to the board of drainage commissioners that any lands within or without said district as originally established are being benefited by the drainage system of said district and that said lands are not being assessed for the benefits received, or if after the construction of any drainage system, it appears that lands embraced therein have in fact received or are receiving benefits different from those found in the original proceedings, and which could not reasonably have been foreseen before the final completion of the improvement, or that any lands within said district are being assessed out of or not in proportion to the benefits which said lands are receiving from the maintenance of the drainage system of said district, and said board of drainage commissioners shall determine that certain lands, either within or without the boundaries of the district as originally established, should be assessed for the purpose of raising funds for the future maintenance of drainage system of the district, or that the assessments on land already assessed should be equalized by diminishing or increasing the same so that said lands shall be assessed in proportion to the benefits received, said commissioners shall file a petition in the superior court in the original cause, setting forth the facts, describing the lands not

Opening assessment proceedings to subject new lands and equalize original assessments.

Petition to superior court.

previously assessed and the lands the assessment on which should be equalized, stating the estimated amount of benefits per acre being received by each tract of land respectively, giving the name of the owner or reputed owner of each such tract of land and praying that such original cause be opened for further proceedings for the purpose of subjecting new lands to assessments or equalizing the assessments upon lands already assessed, or both. Upon the filing of such petition, summons shall issue thereon and be served on the owners of all lands affected, in the same manner as summons is issued and served in original proceedings, as near as may be, and if such new lands lie within the boundaries of any other drainage district, said summons shall also be served upon the commissioners of such other drainage district. In case any of the new lands sought to be assessed in said proceeding lie within the boundaries of any other drainage district, and the drainage commissioners of such other district believe that the maintenance of the drain or drains of such other district is benefiting lands within the district instituting the proceeding, said drainage commissioners of such other districts shall intervene in such proceedings by petition, setting forth the facts, describing the lands in the district instituting the proceeding which they believe are being benefited by the maintenance of the drainage system of their district, and praying that the benefits to such lands may be determined and such lands subjected to assessment for the further maintenance of the drainage system of their district, to the end that all questions of benefits to lands in the respective districts may be settled and determined in one proceeding, and such petitioners in intervention shall cause summons to be issued upon such petition in intervention and served upon the commissioners of the drainage district instituting the proceeding and upon the owners of all lands sought to be affected by such petition in intervention. In case the owner of any such new lands sought to be assessed in said proceedings shall be maintaining a private drain against salt or fresh water for the

Summons.

Other drainage districts may intervene.

Cross-petition by landowner.

benefit of said lands, and shall believe that the maintenance of such private drain is benefiting any lands within or without the district instituting the proceedings, or in case any such new lands sought to be assessed are included within the boundaries of some other drainage district and are being assessed for the maintenance of the drains of such other district, and the owner of such lands believes that the maintenance of the drain or drains of such other district is benefiting lands included within the district instituting said proceedings, such owner or owners may by answer and cross-petition set forth the facts and pray that at the hearing upon said petition and cross-petition the benefits accruing from the maintenance of the respective drains may be considered, to the end that a fair and equitable adjustment of the benefits being received by any lands from the maintenance of the various drains benefiting the same, may be determined for the purpose of fixing the assessments for the future maintenance of such drains, and may interplead in said proceeding such other drainage district in which his lands sought to be assessed in said proceeding are being assessed for the maintenance of the drain or drains of such other district. No answer to any petition or petition in intervention shall be required, unless the party served with summons desires to offset benefits or to ask other affirmative relief, and no default judgment shall be taken for failure to answer any petition or petition in intervention, but the petitioners or petitioners in intervention shall be required to establish the facts alleged by competent evidence. Upon the issues being made up, or upon the lapse of time within which the parties served are required to appear by any summons, the court shall impanel a jury to hear and determine the matters in issue, and the jury shall determine and assess the benefits, if any, which the respective tracts of land are receiving or will receive from the maintenance of the drain or drains to be maintained, taking into consideration any and all matters relating to the benefits, if any, received or to be received from any drain, structure or im-

Trial
by jury.

provement, and to credit or charge, as the case may be, to each tract so situated as to affect any other tract or tracts, or having improvement or structures thereon or easements granted in connection therewith, affecting any other tract or tracts included in such proceedings, and shall specify in their verdict the respective amount of benefits per acre, if any, assessed to each particular tract of land, by legal subdivisions. Upon the return of the verdict of the jury, the court shall enter its judgment in accordance therewith, as supplemental to the original decree, or in case a petition in intervention be filed by the drainage commissioners of some other district than that instituting the proceeding, such judgment to be supplemental to all such original decrees, and thereafter, all assessments and levies for the cost of construction or future maintenance of any drain or drains described in said judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in said judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal to the supreme court within thirty (30) days after the entry thereof, and such appeal shall bring before the supreme court the propriety and justness of the verdicts of the jury in respect to the parties to the appeal. No bonds shall be required on such appeals. Nothing in this section contained shall be construed as affecting the right of drainage districts to consolidation in any manner provided by law.

Verdict and judgment.

Appeal to supreme court.

SEC. 2. That section 4163 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 4163. The board of commissioners of any drainage district organized under the provisions of this act shall, on or before the first Monday in October, of each year, make an estimate of the cost of maintenance of the drainage system in such district, which estimate shall include the cost of making any necessary repairs that it might become necessary to make in the maintenance of

Annual estimate of maintenance cost.

Levy and collection as tax.

Warrants for emergency expenses.

such system. Such estimate shall be for the succeeding year, and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located, on or before said date, and the amount thereof shall be levied against and apportioned to the lands in such district benefited by said improvement, in proportion to the maximum benefits originally assessed, and such amount shall be added to the general taxes against said lands and collected therewith: *Provided, however,* That in case of emergency not in contemplation at the time of making such annual estimate the drainage commissioners may incur additional obligations and issue valid warrants therefor in excess of such estimate, and all such warrants so issued shall be valid and legal obligations of such district.

Passed the Senate February 27, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 134.

[H. B. 77.]

INTEREST PAYMENTS ON WARRANTS FOR CONSTRUCTION OF LAKE WASHINGTON CANAL.

AN ACT providing for the payment of interest on warrants drawn on the state shore land improvement fund in payment of the construction of the Lake Washington canal in King county, Washington, and making an appropriation therefor.

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

Payment out of general fund.

SECTION 1. That the interest already accrued and to accrue on the warrants issued on the shore land fund created to pay for the construction of the Lake Washington canal in King county, Washington, under authority of the act creating a state shore land improvement fund, and providing for the issuance of warrants thereon, approved March 17th, 1909, being chapter 218, Session Laws of the State of Washington for 1909, and under the

act appropriating a certain sum of money from said shore land improvement fund, and providing for the issuance of warrants therefor, approved March 10, 1911, being chapter 45, Session Laws of the State of Washington for 1911, be paid out of the general fund of the State of Washington, the interest accrued and accruing to July 1, 1917, to be paid on July 1, 1917.

SEC. 2. For the purpose of paying the interest on the warrants as authorized by this act, the sum of forty-seven thousand (\$47,000) dollars, or so much thereof as may be necessary is hereby appropriated out of the general fund.

Appropriation,
\$47,000.

SEC. 3. That all interest advanced out of the general fund under and by virtue of this act shall be repaid to the general fund out of the first moneys hereafter coming into said state shore land improvement fund available for that purpose.

Repayment
or advances.

Passed the House, February 20, 1917.

Passed the Senate, March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 135.

[H. B. 223.]

APPROPRIATION OF UNEXPENDED BALANCE FOR CONSTRUCTION OF LAKE WASHINGTON CANAL.

AN ACT appropriating the sum of ten thousand seven hundred four and 93-100 dollars from the state shore land improvement fund (said sum being the unexpended balance of the two hundred and fifty thousand dollars set apart and appropriated by chapter two hundred and eighteen of the Laws of Nineteen Hundred and Nine), and providing for the expenditure thereof in connection with the construction and improvement of the Lake Washington canal in King county, Washington.

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

SECTION 1. That the sum of ten thousand seven hundred four and 93-100 dollars (being the unexpended

Appropriation,
\$10,704.93.

balance of the \$250,000 set apart and appropriated from the state shore land improvement fund, by chapter 218 of the Laws of 1909) be and the same is hereby set apart and appropriated out of said state shore land improvement fund, to be expended in aid of the United States in the construction and improvement of the Lake Washington canal in King county, Washington.

Expenditure under direction of U. S. engineer.

Certificate as to disposal of excavated material.

Application of proceeds of sale of shore lands.

SEC. 2. The appropriation made by section one of this act shall be expended under the direction and supervision of the United States government engineer in charge of said improvement; and the state auditor shall issue his warrants for the payment of the same upon the presentation of proper vouchers, approved by the United States engineer in charge: *Provided*, That no warrant shall be issued against said fund unless the voucher covering the same be accompanied by a certificate of said engineer, approved by the commissioner of public lands, to the effect that (as far as all excavation is concerned the cost of which is covered by such voucher) the material excavated has been deposited on shore lands of the university of the state, or other shore lands owned by the State of Washington in Union Bay or Lake Union (if any such shore lands adjoin the place of such excavation) in such places, form and amount as the said commissioner shall have designated: *And provided further*, That in expending the appropriation authorized by this act, so much thereof as arises from the sale of shore lands on Lake Washington shall be applied to such work as will tend to secure increased drainage from Lake Washington into Lake Union, and so much of said appropriation as arises from the sale of shore lands on Lake Union shall be applied to such work between Lake Union and Salmon Bay as will provide adequate flowage facilities for the drainage from Lake Washington and will provide navigation facilities from tide water into Lake Union, all of said expenditure to be in accordance with plans to be approved by the United States government engineer and by the commissioner of public lands of the State of Washington.

SEC. 3. Warrants hereafter drawn upon such fund under this act shall bear interest after their respective dates at the rate of six per cent per annum, payable semi-annually, and shall so provide. Indebtedness incurred or warrants issued hereunder shall be payable only from the state shore land improvement fund, and shall never be nor become general indebtedness against the state.

Interest
rate on
warrants.

Indebtedness
chargeable
to shore
land fund.

Passed the House, March 3, 1917.

Passed the Senate, March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 136.

[S. B. 306.]

CANCELLATION OF PENALTIES ON TIDE LAND ASSESSMENTS FOR LOCAL IMPROVEMENTS.

AN ACT relating to local improvement districts in cities and towns, providing for the application for and consent to the cancellation of the penalties on delinquent assessments on tide lands included within such districts, and granting the power of cancellation to certain municipal officers.

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

SECTION 1. The owner of any tide lands purchased or held under contract of sale from the State of Washington, which heretofore have been included within any local improvement district created under the provisions of chapter 154, Laws of 1909, and against which local improvement assessments have been levied for the purpose of paying cost of making such improvement, may, at any time within one year from and after the approval of this act, make application to the city or town within which such local improvement district is included for the cancellation of any penalties which may have accrued at the time of making such application by reason of the delinquency of any such local improvement assessment by filing with the city or town clerk of such city or town a written application setting forth the number and name of the local im-

Local
improvement
assessments
against
tide lands.

Application
of owners
for cancella-
tion of
penalties.

provement district, the description of the property upon which the penalty is sought to be cancelled, the amount of the assessment and the amount of the penalty. He shall also file with such application a written waiver or a consent to the cancellation of the penalties which have accrued upon such delinquent assessments, signed and executed by the holder or holders of all warrants or bonds issued by or against any such local improvement district.

Presentation
to city or
town
authorities.

SEC. 2. Upon the receipt of such application and waiver or consent by the city or town clerk, he shall present the same to the city or town council or commission at its next regular session, and the said council or commission may approve or disapprove such application.

Resolution or
ordinance of
approval.

If such application is approved by such city or town council or commission, said approval shall be expressed by resolution or ordinance, which shall specify the time within which such assessment shall be paid in full; and such resolution or ordinance shall be certified to the county treasurer and county auditor of the county within which said city or town is located and in full; and such county officers, upon payment of said delinquent assessments in full, with interest at eight per cent per annum, within the time specified in said resolution or ordinance, may consider said delinquent assessments and penalties to be paid in full, and a receipt in full shall be given therefor and the penalty thereon cancelled.

Cancellation
of penalties.

No waiver of
delinquent
assessments
and interest.

SEC. 3. This act shall not be construed as authorizing a waiver of the amount of the delinquent assessment or interest thereon at eight per cent per annum, and no compromise shall be made as herein provided for a less amount; but this act shall be construed as conferring authority upon the city or town authorities of any city or town containing such local improvement district as herein provided to waive all penalties on delinquent assessments which have accrued in consideration of the immediate payment of said assessments and interest in full on lands held under contract of sale from the State of Washington; and all penalties which have accrued, or which may accrue,

upon such delinquent assessments prior to the making of such an application for the cancellation as herein provided, shall be; for the purpose of this act, considered as belonging to the city within which such local improvement district is located, whether the taxes be cancelled by the city or town or by the county.

Passed the Senate March 1, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 137.

[H. B. 337.]

SALE OR LEASE OF PUBLIC UTILITIES OWNED BY CITIES OR TOWNS.

AN ACT authorizing cities and towns to lease or sell any municipally-owned water works, gas works, electric light and power plants, steam plants, street railway plants and lines, telegraph and telephone lines and plants and any other municipally-owned public utility, or public utility system similar or dissimilar in character.

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

SECTION 1. It is and shall be lawful for any city or town in this state now or hereafter owning any water works, gas works, electric light and power plant, steam plant, street railway line, street railway plant, telephone or telegraph plant and lines, or any system embracing all or any one or more of such works or plants or any similar or dissimilar utility or system, to lease for any term of years or to sell and convey the same or any part thereof, with the equipment and appurtenances, in the manner hereinafter prescribed.

Authority granted.

SEC. 2. The legislative authority of such city or town, if it deems it advisable to lease or sell such works, plant or system or any part of the same, or any similar or dissimilar utility or system, shall adopt a resolution stating whether it desires to lease or sell the same. If it

Resolutions proposing sale or lease.

Notice
calling for
bids.

Bids.

Acceptance
by legislative
authority.

Referendum
of ordinance
to popular
vote.

desires to lease, the resolution shall state the general terms and conditions of such lease, but not the rent. If it desires to sell, the general terms of sale shall be stated, but not the price. The resolution shall direct the city or town clerk, or other proper official, to publish such resolution not less than once a week for four weeks in the official newspaper of the city or town if there be such an official newspaper, or if there be none then in any newspaper published in such city or town, or if there be none then in any newspaper published in the county in which such city or town is located, together with a notice calling for sealed bids to be filed with such clerk or other proper official not later than a certain time, accompanied by a certified check payable to the order of such city or town, for such amount as the resolution shall require, or a deposit of a like sum in money. Each bid shall state that the bidder agrees that if his bid be accepted and he fails to comply therewith within the time hereinafter specified, such check or deposit shall be forfeited to the city or town. If bids for a lease be called for bidders shall bid the amount to be paid as the rent for each year of the term of the lease. If bids for a sale and conveyance be called for the bids shall state the price offered. The legislative authority of the city or town shall have the right to reject any or all bids and to accept any bid which it deems best. At the first meeting of the legislative authority of the city or town held after the expiration of the time fixed for receiving bids, or at some later meeting if such legislative authority so decides, the bids shall be considered. In order for such legislative authority to declare it advisable to accept any bid it shall be necessary for two-thirds of all the members elected to such legislative authority to vote in favor of a resolution making such declaration. If such resolution be so adopted it shall be necessary, in order that such bid be accepted, to enact an ordinance accepting such bid and directing the execution of a lease or conveyance by the mayor and city clerk or other proper official. Such ordinance shall not take effect until it shall have been submitted to the voters

of such city or town for their approval or rejection at the next general election or at a special election called for that purpose, and a majority of the voters voting thereon shall have approved such ordinance. If approved it shall take effect as soon as the result of such vote be proclaimed by the mayor. If it be so submitted and fail to receive the approval of a majority of the voters voting thereon, it shall be rejected and annulled. It shall be the duty of the mayor to proclaim such vote as soon as it shall be properly certified.

SEC. 3. Upon the taking effect of any such ordinance the mayor and city clerk or other proper official shall execute, in the name and on behalf of the city or town, the lease or conveyance directed by such ordinance. The lessee or grantee shall accept and execute the same within ten days after notice of its execution by the city or town or forfeit to the city or town the amount of the check or special deposit accompanying the bid of such lessee or grantee: *Provided*, That if litigation in good faith be instituted within such ten days to determine the rights of the parties, no forfeiture shall take place unless such lessee or grantee fail for five days after the termination of such litigation in favor of the city or town to accept and execute such lease or conveyance.

Execution of
lease or
conveyance.

Acceptance
of lessee
or grantee.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 138.

[S. H. B. 160.]

LOCAL IMPROVEMENT GUARANTEE FUNDS IN CITIES OF FIRST CLASS.

AN ACT authorizing cities of the first class to create a fund with which to guarantee the payment of bonds issued against local improvement districts.

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

Fund guar-
anteeing
local im-
provement
bonds.

SECTION 1. Any city of the first class may, by ordinance, create a fund for the purpose of guaranteeing, to the extent of such fund and in the manner hereinafter provided, bonds issued against local improvement districts for the payment of local improvements therein.

Amount of
fund.

SEC. 2. Such fund shall be designated as "local improvement guarantee fund," and shall at no time exceed a sum equal to five per cent of the outstanding bond obligations of the local improvement districts of such city issued subsequent to the passage of such ordinance.

Tax levies
for fund.

SEC. 3. After the creation of such guarantee fund, the city shall levy from time to time, as other taxes are levied, such sums as may be needed to meet the financial requirements of the fund; and whenever the city shall have paid under its guarantee any sum on account of principal or interest on the bonds of any district, it shall be subrogated to all the rights of the holders of such bonds or interest coupons so paid, and such bonds or coupons and the proceeds thereof shall become part of the guarantee fund.

Subrogation
of city on
payment
of bonds.

Warrants
against fund.

Warrants drawing interest at a rate not to exceed six per cent may be issued against said fund to meet any financial liabilities accruing against it, but at the time of making its annual budget and tax levy the city shall provide for the levying of a sum sufficient, with the other resources of the fund, to pay warrants so issued during the preceding fiscal year.

Limitation
on power to
order local
improve-
ments.

SEC. 4. The city council or other legislative body of any city electing to establish a guarantee fund under the provisions of this act shall, in addition to the limitations

imposed by section 7892-12 of Remington & Ballinger's Code, have no power to order an improvement where the estimated cost thereof, together with all other outstanding and unpaid local improvement assessments against the property included in the district, exceeds in amount sixty-five per cent of the assessed valuation of the property in such district as made for general taxation purposes at the last assessment: *Provided, however,* That nothing in this section shall prevent the city council of any city, if otherwise authorized by law, from ordering by a unanimous vote of the council the construction of sanitary sewers where, in the judgment of the council, the same are necessary for public health, and assessing a part or the whole of the cost thereof to the benefited property in the manner provided by law.

Exception as to sanitary sewers.

SEC. 5. Neither the holder nor owner of any bond issued under the provisions of this act shall have any claim therefor against the city by which the same is issued, except for payment from the special assessments made for the improvement for which said bond was issued, and except as against the said local improvement guarantee fund of such city. The remedy of the holder or owner of such bond, in case of non-payment, shall be confined to the enforcement of such assessment and to the said guarantee fund. A copy of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder, and the writing, printing or engraving of this section upon any such bond shall be deemed sufficient compliance with the requirements of section 7892-52 of Remington & Ballinger's Code.

Non-liability of city beyond guarantee fund.

SEC. 6. This act is cumulative and intended to supplement the existing laws in relation to the making of local improvements and the levying and collection of assessments to pay therefor, and nothing herein contained shall limit any powers now possessed by cities of the first class, or hereafter conferred upon them by law: *Provided,* That whenever such city shall have elected to establish said guar-

Act cumulative to existing laws.

Repealing ordinance to be ratified by voters.

antee fund, that such city shall have no power to repeal the same unless such repealing ordinance be passed upon by the voters of such city. After such repealing ordinance shall have been passed by such city council, the same shall be submitted to the voters of such city at a general or special election, and shall not become effective unless ratified by a majority of the voters voting thereon.

Passed the House March 3, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 139.

[H. B. 133.]

BOND ISSUES FOR LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to local improvements in cities and towns, and amending section 7892-47 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7892-47 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 7892-47. Such bonds shall be issued only in pursuance of ordinances of the city or town issuing the same, and by their terms shall be made payable on or before a date not to exceed twelve years from and after the date of the issue of such bonds, which latter date may be fixed by resolution, by council or other legislative body of said city or town and shall bear such interest as may be provided in such ordinance, not exceeding eight (8%) per centum per annum, which interest shall be payable annually, or semi-annually, as may be provided by ordinance, and each bond shall have attached thereto interest coupons for each interest payment: *Provided*, That whenever the improvement shall lie wholly or partly within the boundaries of any commercial waterway district organized and existing under the provisions of chapter

Method for
issuance of
bonds.

Rate of
interest.

11 of the Laws of 1911, and the acts amendatory thereof, such bonds may be made payable on or before a date not to exceed twenty-two (22) years from and after the date of the issue of such bonds: *Provided further*, That the legislative body of the city or town issuing any bonds hereunder may, by unanimous vote, authorize the issuance of said bonds payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds, when the said legislative body shall also by like vote determine that the period during which said bonds are payable will not exceed the life of the improvement, and shall in such ordinance provide that the interest on said bonds issued for a period in excess of twelve years shall not exceed six per cent per annum, and must be sold at not less than par. Such bonds shall be in such denominations as shall be provided in the ordinance ordering their issue and shall be numbered from one upwards, consecutively, and each bond and coupon shall be signed by the mayor and attested by the clerk or comptroller of such city: *Provided, however*, That said coupons may in lieu of being so signed have printed thereon a facsimile of the signatures of said officers and each bond shall have the seal of such city affixed thereto and shall refer to the improvement to pay for which the same shall be issued and to the ordinance ordering the same. Each bond shall provide that the principal sum therein named, and the interest thereon, shall be payable out of the local improvement fund created for the payment of the cost and expense of such improvement, and not otherwise. Such bonds shall not be issued in any amount in excess of the cost and expense of the improvement.

Bonds
running
twenty-two
years.

Rate of
interest.

Execution of
bonds and
coupons.

Passed the House, March 3, 1917.

Passed the Senate, March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 140.

[H. B. 260.]

REPAYMENT TO PROPERTY OWNERS OF SURPLUS IN LOCAL IMPROVEMENT FUND.

AN ACT relating to the refunding of excessive amounts levied to pay for local improvements, and amending section 7892 of Remington & Ballinger's Code.

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

SECTION 1. That section 7892 of Remington & Ballinger's Code, be amended to read as follows:

Section 7892. Any funds in the treasury of any municipal corporation belonging to the fund of any local improvement district after the payment of the whole cost and expense of such improvement, in excess of the total sum required to defray all the expenditures by such municipal corporation on account thereof, shall be refunded, on demand, to the payers into such fund. Each such payer shall be entitled to such proportion of such excess as his original assessment bears to the entire original assessment levied for such improvement. Such municipal corporation may, after one year from the date on which the last installment becomes due, transfer any balance remaining on hand to the general fund of such municipal corporation, but shall, notwithstanding such transfer remain liable for the refund herein provided for until such refund shall have been made, unless the actual cost involved in making such refund shall exceed the excess in such fund.

Such demand shall be made in writing to the treasurer of such municipal corporation. No action shall be commenced in any court to obtain any such refund, except upon such demand, and, in all cases where the assessment roll shall have been filed with the treasurer of such municipal corporation for collection on or after the day this act shall take effect, until ninety days after making such demand, and in all cases where such assessment roll has heretofore been filed for collection, until six months after

Excess payments may be repaid on demand.

Right of action to recover.

making such demand in accordance herewith. No excess shall be recovered in any action where the excess in the fund does not average the sum of one dollar in favor of all payers into such fund.

Provided, further, That this section shall not be deemed to require the refunding of any balance left in any local improvement fund after the payment of all outstanding obligations issued against such fund, where such balance accrues from any saving in interest or from penalties collected upon delinquent assessments, but any such balance, whether accruing heretofore or hereafter, may be turned into the general fund or otherwise disposed of, as the legislative authority of such city may direct.

No refund of balances arising from interest savings and penalties.

Passed the House February 24, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 141.

[H. B. 363.]

LIMITING COUNTY AND CITY EXPENDITURES IN EXCESS OF REVENUES.

AN ACT relating to the financial affairs of counties, and such cities as have a population of less than one hundred and four thousand, according to the federal census, limiting the expenditure of the revenues of the same, prescribing penalties for the violation thereof, and amending section 9211 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9211 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 9211. It shall be unlawful for the county commissioners, or any city council or city commission, or any public officer or employee of a county or city, to contract indebtedness or incur any liability in behalf of his or their county or city during any current fiscal year more than two per centum in excess of the revenues pro-

Limitation on incurrence of county and city indebtedness.

vided for such year at the public hearing held as required by section 9210 of Rem. & Bal. Code unless authorized by a majority vote of the electors of the city or county at a general or special election, and any indebtedness contracted or liability incurred in violation hereof shall be void: *Provided*, That nothing herein contained shall be held to modify or change the limitations prescribed by sections 5590-5 of Rem. & Bal. Code, or by any law limiting the debts of any taxing district to an amount based on a percentage of the assessed valuation thereof.

Applicability
of act.

SEC. 2. None of the requirements of section 1 of this act shall apply to any city having a population of over one hundred and four thousand, according to the federal census, or to a city having similar current revenue charter provisions.

Passed the House, March 3, 1917.

Passed the Senate, March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 142.

[H. B. 292.]

DELINQUENT TAXES AND CERTIFICATES OF DELINQUENCY.

AN ACT relating to revenue and taxation, and amending sections 9219, 9252, 9253, 9259 and 9262 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9219 of Rem. & Bal. Code be amended to read as follows:

Taxes pay-
able to county
treasurer.

Section 9219. The county treasurer shall be the receiver and collector of all taxes extended upon the tax-books of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon

real property made payable by the provisions of this act shall be due and payable to the treasurer as aforesaid on or before the thirty-first day of May in each year, after which date they shall become delinquent, and interest at the rate of twelve per cent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided, however,* When the total amount of tax payable by one person is two dollars or more, then if one-half of such taxes be paid on or before said thirty-first day of May, then the time of payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirtieth day of November following; but if the remaining one-half of such taxes be not paid on or before the thirtieth day of November, then such remaining one-half shall be delinquent, and interest at the rate of twelve per cent per annum shall be charged thereon from the first day of June preceding until paid: *Provided further,* There shall be an allowance of three per cent rebate to all payers of taxes who shall pay the taxes on real property in one payment and in full on or before the fifteenth day of March next prior to the date of delinquency. All rebates allowed under this section shall be charged to the county current expense fund and all collections from penalties and interest on delinquent taxes shall be credited to the current expense fund.

Rate of interest on delinquencies.

Installment payments.

Rebate.

SEC. 2. That section 9252 of Rem. & Bal. Code be amended so as to read as follows:

Section 9252. On the first business day after the expiration of the eleven months after the taxes charged against any real property are delinquent, the board of county commissioners shall determine whether it will be for the best interest of the county to carry or further carry the delinquent taxes on the books of the county or to permit certificates of delinquency for the same to be sold to any person, and should it be deemed advisable to permit the sale of certificates of delinquency they shall pass a resolution to that effect and publish a copy of the

Certificates of delinquency.

Sale.

same in the next issue of the official newspaper of the county and on the first day of the month next following, the treasurer shall have the right, and it shall be his duty, upon demand and payment of the taxes and interest, to make out and issue a certificate or certificates of delinquency against such property and such certificate or certificates shall be numbered and have a stub, which shall be a summary of the certificate and shall contain a statement:

(1) Description of the property assessed. (2) Year or years for which assessed. (3) Amount of tax and interest due. (4) Name of owner, or reputed owner, if known. (5) Rate of interest the certificates shall bear. (6) The time when a deed may be had, if not sooner redeemed. (7) When a certificate of any preceding year is outstanding and unredeemed, it shall be stated in subsequent certificates issued, and the principal sum due with date of issue. (8) A guaranty of the county or municipality to which the tax is due that if for any irregularity of the taxing officers this certificate be void, then such county or municipality will repay the holder the sum paid thereon with interest at the rate of six per cent per annum from the date of the issuance: *Provided*, That nothing herein contained shall prevent the running of interest during the said period of twelve months from the date of delinquency, at the rate of interest provided by law on delinquent taxes: *Provided, further*, That all certificates of delinquency sold to persons shall be registered by the county treasurer in a book provided for that purpose, in which shall also be recorded the name and address of the purchaser of each certificate of delinquency. Thereafter at any time before the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency issued to a person, the owner of the property may pay to the county treasurer the amount of taxes due for one or more subsequent years, with delinquent interest, if any, to the date of payment, and if the same shall have been paid by the holder of the certificates of delinquency the county treasurer shall

Record.

Guaranty of certificate.

Interest.

Registration.

Tax payment subsequent to delinquency.

forward the amount of payment or payments made by such owner to the holder of the certificate of delinquency at his registered address. The payment of taxes for such subsequent year or years shall thereby extend the time of the foreclosure of the particular certificate of delinquency one year for each subsequent year's taxes so paid.

SEC. 3. That section 9253 of Rem. & Bal. Code be amended so as to read as follows:

Section 2953 [9253]. Certificate of delinquency shall bear interest, from the date of issuance till redeemed, at the rate of twelve per cent per annum, and shall be sold to any person applying therefor, upon the payment of the value in principal and interest thereof: *Provided*, That when, from the failure of the taxing officers to do or perform any act in listing or assessing property, or in issuing such certificates, the same is declared void and the same is redeemed by the county or municipality issuing the same, such rate of interest shall be six per cent per annum.

Rate of interest on certificates.

Interest on void certificates.

Certificates of delinquency shall be *prima facie* evidence that—

Evidentiary effect of certificates.

1. The property described was subject to taxation at the time the same was assessed;
2. The property was assessed as required by law;
3. The taxes or assessments were not paid at any time before the issuance of the certificate;
4. Such certificate shall have the same force and effect as a judgment execution and sale of and against the premises included therein.

SEC. 4. That section 9259 of Rem. & Bal. Code be amended so as to read as follows:

Section 9259. Real property upon which certificates of delinquency have been issued under the provisions of this chapter, may be redeemed at any time before the issuance of tax deed, by payment, in legal money of the United States, to the county treasurer of the proper county, for the benefit of the owner of the certificate of delinquency against said property, the amount for which

Redemption

same was sold, together with interest at twelve per cent per annum thereon from date of issuance of said certificate of delinquency until paid. The person redeeming such property shall also pay the amount of all taxes, assessments, penalties, interest and costs accruing after the issuance of such certificate of delinquency, and paid by the holder of said certificate of delinquency or his assignee, together with twelve per cent interest on such payment from the day the same were made. No fee shall be charged for any redemption after the passage of this act. Tenants in common or joint tenants shall be allowed to redeem their individual interest in real property for which certificates of delinquency have been issued under the provisions of this chapter, in the manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject however, to the right of the person making the same to be reimbursed by the person benefited. If the real property of any minor heir, or any insane person, be sold for non-payment of taxes or assessments, the same may be redeemed at any time after sale and before the expiration of one year after such disability has been removed upon the terms specified in this section on the payment of interest at the rate of twelve per cent per annum on the amount for which the same was sold, from and after the date of sale, and in addition the redemptioner shall pay the reasonable value of all improvements made in good faith on the property, less the value of the use thereof, which redemption may be made by themselves or by any person in their behalf.

Inures to benefit of owner.

Persons under disability.

Repayment for improvements.

SEC. 5. That section 9262 of Rem. & Bal. Code be amended so as to read as follows:

Section 9262. Every purchaser of a certificate of delinquency shall before applying for judgment, pay all taxes that have accrued on the property included in said certificate since the issuance of said certificate or any

Certificate holder to pay subsequent taxes.

prior taxes that may remain due and unpaid on said property and any purchaser of delinquent certificates that shall suffer a subsequent tax to become delinquent and a subsequent certificate of delinquency to issue on the same property included in his certificate, such first purchaser shall forfeit his rights thereunder to the subsequent purchaser, and such subsequent purchaser shall at the time of obtaining his certificate redeem said first certificate of delinquency outstanding by depositing with the county treasurer the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of delinquency and draw interest at the rate of twelve per cent per annum from the date of payment. Said holder of a certificate of delinquency permitting a subsequent certificate to issue on the same property, shall, on notice from the county treasurer, surrender said certificate of delinquency on payment to him of the redemption money paid by the subsequent purchaser: *Provided*, That this section shall not apply to counties or municipalities.

Forfeiture
of rights to
subsequent
certificate
purchaser.

Exception.

Passed the House March 3, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 143.

[H. B. 134.]

POWERS AND LIMITATIONS OF TAXING DISTRICTS.

AN ACT relating to the financial affairs of taxing districts, limiting and prescribing what shall be treated as assets in computing indebtedness of taxing districts, limiting their power to contract debts or incur liabilities and prescribing a method for determining the same, and declaring an emergency.

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

SECTION 1. No taxing district shall for any purpose become indebted in any manner to an amount exceeding one and one half per centum of the last assessed valuation

Limitation
on indebted-
ness of tax-
ing districts.

of the taxable property in such taxing district, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum of the last assessed valuation of the taxable property in such taxing district: *Provided*, That no part of the indebtedness allowed in this act shall be incurred for any purpose other than strictly county, city, town, school district, township, port district, metropolitan park district or other municipal purposes: *Provided further*, That any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, determined as herein provided, for supplying such city or town with water, artificial light and sewers, when the works for supplying such water, light and sewers shall be owned and controlled by the city or town: *Provided, further*, That nothing herein contained shall be held to extend the debt limitations now imposed by law or any city charter on the powers of any taxing district.

Additional indebtedness for public utilities.

SEC. 2. Whenever it shall be necessary to compute the indebtedness of a taxing district for bonding or any other indebtedness purposes, taxes levied for the current year shall not be considered an asset, but shall be deemed for such purposes to have already been pledged and expended for the purposes for which they were levied; nor shall any money in the treasury of said taxing districts, levied and collected for the purpose of carrying on the current business of such taxing district, be considered as such asset, but shall be deemed likewise as having been pledged and set apart for the purposes for which the money was levied and collected: *Provided, however*, That all taxes levied for the payment of bonds, warrants or other public debts of such taxing district, shall be deemed a competent and sufficient asset of the taxing district to be considered in calculating the constitutional debt limit or the debt limit prescribed by this act for any taxing district: *Provided*, That the provisions of this section

Computation of indebtedness.

Taxes for current business not an asset.

Tax levies for bonds and public debts considered assets.

shall not apply in computing the debt limit of a taxing district in connection with bonds authorized pursuant to a vote of the electors at an election called prior to March 1, 1917.

SEC. 3. All orders, authorizations, allowances, contracts, payments or liabilities to pay, made or attempted to be made in violation of this act, shall be absolutely void and shall never be the foundation of a claim against a taxing district: *Provided*, That the limitations imposed by this act shall not apply to debts contracted by any taxing district prior to March 1, 1917.

Liabilities in violation of act void.

SEC. 4. The term "taxing district" as herein used shall be held to mean and embrace all counties, cities, towns, townships, port districts, school districts, metropolitan park districts or other municipal corporations which now, or may hereafter exist.

"Taxing district" defined.

The term "the last assessed valuation of the taxable property in such taxing district" as used herein shall be held to mean and embrace the aggregate assessed valuation for such taxing district as placed on the last completed and balanced tax rolls of the county next preceding the date of contracting the debt or incurring the liability.

"Assessed valuation of taxable property" defined.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House February 24, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 144.

[S. B. 12.]

EXTENSION OF STREETS IN BLAINE AND OLYMPIA
ACROSS HARBOR AREAS.

AN ACT providing for the platting and extension of certain streets in the cities of Blaine and Olympia, across harbor areas in front of said cities.

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

SECTION 1. The board of state land commissioners is hereby directed to extend and plat the following named streets, to-wit: Martin, H, G, E, Hughes, Pinckney, Mary, Georgia and Cherry in the city of Blaine, Whatcom county, over and across the harbor area as laid out and established in front of said city. The said streets shall be platted and extended on the official plat of the harbor area of said city the same width and in the same direction as said streets are now platted over and across the tide flats in front of said city.

SEC. 2. The board of state land commissioners is hereby directed to extend east and west, and plat, the following named streets, to-wit: "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L," "M," "N," and "O," in the city of Olympia, Thurston county, over and across the harbor area lying in front of Stevens and Ferry avenues in said city, as laid out and established in front of said city. The said streets shall be platted and extended on the official plat of the harbor areas of said city the same width and in the same direction as said streets are now platted over and across the tide lands in front of said city.

Passed the Senate January 23, 1917.

Passed the House February 28, 1917.

Approved by the Governor March 15, 1917.

Board of
state land
commis-
sioners to
extend and
plat.

CHAPTER 145.

[S. B. 57.]

ISSUANCE OF FUNDING BONDS FOR COUNTY, CITY, AND TOWN INDEBTEDNESS.

AN ACT relating to the funding of the indebtedness of counties, cities and towns; validating certain funding bonds of counties, cities and towns heretofore sought to be voted or authorized; amending section 5112 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 8038 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5112 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 5112. Any county, city or town in the State of Washington which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, including warrants or bonds of any city or town which are special fund obligations of and constitute a lien upon the waterworks or other public utilities of such city or town, and are payable only from the income or funds derived or to be derived therefrom, whether issued originally within the limitations of the constitution of this state, or of any law thereof, or whether such outstanding indebtedness has been or may hereafter be validated or legalized in the manner prescribed by law, may, by its corporate authorities, provide by ordinance or resolution for the issuance of funding bonds with which to take up and cancel such outstanding indebtedness in the manner hereinafter described, said bonds to constitute general obligations of such county, city or town: *Provided*, That special fund obligations payable only from the income funds of the public utility, shall not be refunded by the issuance of general municipal bonds, however, unless such general municipal bonds shall have been previously authorized at an election held in the manner prescribed by section 8006 of Remington & Ballinger's Annotated Codes and Statutes

Funding
bonds
authorized.

Inclusion of
special fund
obligations.

of Washington for the issuance of general municipal utility bonds. The notice of said election, in describing said bonds or warrants, need only refer to the bonds or warrants sought to be so funded by naming the utility or utilities in aid of which the bonds or warrants were issued and shall state the total amount sought to be so funded: *Provided, however,* That nothing in this chapter shall be so construed as to prevent any such county, city or town from funding its indebtedness as now provided by law.

Validation
of prior
bond issues.

SEC. 2. That all bonds heretofore voted or issued, and which may have been or may hereafter be issued by any county, city or town, for any of the purposes authorized by the preceding section as hereby amended, including general fund bonds issued for the purpose of refunding special utility fund bonds or warrants, shall be validated and have the same force and effect as though said section had been in full force and effect at the time said bonds were either authorized or issued.

Repealing
clause.

SEC. 3. That section 8038 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby repealed.

Passed the Senate February 1, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 146.

[H. B. 126.]

AMENDMENT OF INHERITANCE TAX ACT.

AN ACT relating to the taxation of inheritances and amending sections 9182, 9188, 9192 and 9199 and repealing section 9186 and section 9187 of Remington & Ballinger's Code and amending Title LXXVI of Remington & Ballinger's Code by adding thereto a section to be known as section 9188-1 and a section to be known as section 9197-1.

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

SECTION 1. That section 9182 of Remington and Ballinger's Code be amended to read as follows:

Section 9182. All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritances of this or any other state, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant or sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor to any person in trust or otherwise, shall, for the use of the state, be subject to a tax as provided for in section 9183, after the payment of all debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisal made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed \$1,000.00, and no other sum, but said debts shall not be deducted unless the same are allowed or established within the time provided by law, unless otherwise ordered by the judge or court of the proper county, and all administrators, executors and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them,

Property
subject to
tax.

with lawful interest until the same shall have been paid. The inheritance tax shall be and remain a lien on such estate from the death of the decedent until paid.

SEC. 2. That section 9188 of Remington and Ballinger's Code be amended to read as follows:

Section 9188. Whenever the estate of a deceased person shall be subject to an inheritance tax, and there be an annuity, life estate or an estate for a term of years given to one or more persons and the remainder to another or others, the entire estate shall be appraised as other estates are required to be appraised by the laws of this state. The value of the annuity, life or term estate shall be determined according to the rules or standards of mortality and of value commonly used in actuaries' combined experience tables on the basis of four per cent. annual interest, and the value of the remainder shall be determined by deducting the amount found to be the value of the annuity, life or term estate from the whole estate. After the values shall have been determined as provided in this section, the tax shall be computed and collected in the same manner that the tax on other estates is computed and collected: *Provided, however,* That any person or persons owning the beneficial interest in the remainder may defer the payment of the tax thereon until they come into possession of the same by filing in the office of the county clerk within thirty days after the determination of the tax, a good and sufficient bond to the State of Washington in a sum equal to the amount of the tax, conditioned that they will pay such tax in full within sixty days after coming into possession of the estate. Said bond shall not operate to defer payment of the tax unless it be approved by the court, and if it shall appear to the judge of said court at any time that a bond previously filed and approved has become insufficient he may require a new bond to be filed. If the person or persons owning the beneficial interest in the remainder shall fail to file a bond within the time herein provided, or if they shall fail to file a new bond when directed by the court, the tax shall immediately

Appraisal of annuities, life and term estates.

Bond of remainderman securing tax.

become due and payable. The state insurance commissioner is hereby directed to obtain and publish for the use of courts and appraisers throughout the state tables showing the average expectancy of life and the values of annuities and of life and term estates.

Life tables
published by
insurance
commissioner.

SEC. 3. That section 9192 of Remington and Ballinger's Code be amended to read as follows:

Section 9192. All taxes imposed by this act shall take effect and accrue upon the death of the decedent or donor. If such tax is not paid within fifteen months from the accruing thereof, interest shall be charged and collected at the rate of eight per centum per annum unless by reason of necessary litigation such tax cannot be determined and paid as herein provided, in which case interest at the rate of eight per centum per annum shall be charged upon such tax from and after the time the cause of such delay is removed. In all cases where a bond shall be given under the provisions of section 9198 [9188] interest shall be charged at the rate of eight per centum per annum from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

Accrual
of tax.

Interest.

SEC. 4. That title LXXVI of Remington & Ballinger's Code be amended by adding thereto a section to be known as section 9188-1 to read as follows:

Section 9188-1. When property is transferred in trust or otherwise and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable and a tax shall be imposed upon such transfer at the lowest rate which on the happening of any of said contingencies or conditions would be possible under the provisions of this act and such tax so imposed shall be due and payable in the same manner as other taxes under this chapter: *Provided, however,* That on the happening of any contingency

Trust
estates.

Computation
of tax.

Liability
for increased
tax.

or condition whereby the said property or any part thereof is transferred to a person or corporation which, under the provisions of this act is required to pay a tax at a higher rate than the tax imposed then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall accrue and become due and payable when the person or corporation beneficially entitled thereto shall come into actual possession or enjoyment thereof.

Estates in
expectancy.

Estates in expectancy which are contingent or defeasible and in which proceedings for determination of the tax have not been taken or where the taxation thereof has been held in abeyance shall be appraised at their full undiminished clear value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Estates for
life.

SEC. 5. That title LXXVI of Remington and Ballinger's Code be amended by adding thereto a section to be known as section 9197-1 to read as follows:

Determina-
tion of tax
without ad-
ministration.

Section 9197-1. When any person dies leaving property within the jurisdiction of the State of Washington, which shall pass by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor, to any person in trust or otherwise, and there has been no application for letters of administration of the estate of such deceased person, or when administration of any estate has been completed without an adjudication of the inheritance tax, the liability of such property

for the payment of an inheritance tax may be determined without administration in the manner hereinafter provided.

When any person interested in such property shall deem the same not subject to an inheritance tax, or when he admits the liability for such tax but desire to adjust the same, he may file a petition in the superior court of the proper county to determine the questions arising under the inheritance tax statutes. Such petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such hearing, shall be served by the petitioner or his attorney upon the state board of tax commissioners and on each person interested in said property, at least twenty days before the date of hearing, if served personally, and if served by publication the service shall be the same as the service of summons by publication in civil actions.

Resort to
courts to
determine
liability
for tax.

The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact; but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court allowed by the laws of the state.

SEC. 6. That section 9199 of Remington & Ballinger's Code be amended to read as follows:

Section 9199. All bequests and devises of property within this state when the same is for one of the following charitable purposes, namely, the relief of the aged, in-

Exemption
of charitable
bequests.

igent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children, and all bequests and devises heretofore made to the State of Washington or to any county, city, school district or other municipal corporation therein for eleemosynary, charitable, educational or philanthropic purposes shall be exempt from the payment of any inheritance tax, and any property in this state which has been devised or bequeathed for such purposes and upon which a state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment for such tax, and the same is hereby remitted.

Repealing
clause.

SEC. 7. That sections 9186 and 9187 of Remington & Ballinger's Code be and the same are hereby repealed.

Passed the House March 3, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 147.

[S. B. 173.]

DISINCORPORATION OF WATER DISTRICTS.

AN ACT providing for the disincorporation of water districts organized under the laws of the State of Washington.

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

SECTION 1. Any water district organized under sections 9510-1 and 9510-23 inclusive, of Rem. & Bal. Code, may be disincorporated in the same manner (insofar as the same is applicable) as is provided in section 7460 to 7477 inclusive, of Rem. & Bal. Code, for the disincorporation of the third and fourth class cities, except that the petition for disincorporation shall be signed by not less than twenty-five per cent (25%) of the voters in the water district.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 148.

[H. B. 64.]

STATE LAND LAW AMENDMENTS.

AN ACT relating to the survey, management, sale, reclamation, lease and disposition of state, granted, school, tide, shore and other lands and oyster reserves, waterways and harbor areas, and the leasing of the mineral rights of the state on lands leased or sold, and amending sections 6782, 6783, 6787, 6788, 6844, 6845, 8095, 8114 and 8115 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and section 1 of Chapter 144 Laws of 1915.

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

SECTION 1. That section 6782 of Rem. & Bal. Code be amended to read as follows:

Section 6782. The commissioner of public lands of the State of Washington is hereby authorized to execute leases and contracts for the mining of gold, silver, copper, lead, cinnabar or other valuable minerals, except coal, from any land now belonging to the state or from any lands to which the state may hereafter acquire title, subject to the conditions hereinafter provided.

Lease of mineral lands authorized.

SEC. 2. That section 6783 of Rem. & Bal. Code be amended to read as follows:

Section 6783. Any citizen of the United States finding precious minerals upon any lands now or hereafter belonging to the State of Washington, may apply to the commissioner of public lands for a lease of any amount not exceeding eighty acres, for prospecting purposes, such application to be made by legal subdivisions according to the public land surveys.

Prospecting leases.

SEC. 3. That section 6787 of Rem. & Bal. Code be amended to read as follows:

Section 6787. At any time prior to the expiration of any prospecting lease the lease holder or assignee thereof may apply to the commissioner of public lands for a contract to mine the lands covered by said lease and extract and dispose of the minerals therefrom. The commissioner of public lands shall upon the receipt of such an applica-

Application for contract to mine.

tion make a full investigation of the properties and if the land included in said lease shall be found to contain any of the valuable mineral deposits included in section 6782 of Remington and Ballinger's Annotated Codes and Statutes of Washington the said commissioner shall thereupon accept said application and the applicant for said contract shall thereupon within thirty (30) days after notice from the commissioner of public lands that said application has been accepted and approved, enter into a contract for the working and mining of said property which contract shall be substantially in the following form:

Form and terms of contract.

"This indenture, made this.....day of....., A. D., one thousand nine hundred and....., by and between the State of Washington, party of the first part, and.....whose post office address is....., state of....., party of the second part.

Witnesseth, that the party of the first part in consideration of the sum of.....dollars to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, the same being the first annual payment to be made hereunder, and in further consideration of the covenants and conditions herein contained, to be kept and performed by the party of the second part, does hereby contract, lease and demise to the party of the second part, for the term of.....years (here shall be inserted the number of years asked for by the applicant—not exceeding 30 years in all) from and after the.....day of....., one thousand nine hundred and....., the following described land situate in the county of....., State of Washington, viz.:, which premises are leased to the party of the second part for the purpose of exploring for and mining and taking out and removing therefrom the ore therein contained, containing copper, silver, lead, gold and other valuable minerals (except coal), which is or which hereafter may be found in, on or under said land, together with the right to construct all buildings, make all excavations, openings, ditches, drains, railroads, wagon roads,

concentrators, power plants, smelters and other improvements upon said premises which are or may become necessary or suitable for the mining or removal of ore containing copper, lead, silver, gold or other valuable minerals from said premises with the right, during the existence of this contract and lease to cut and use the timber found upon said premises for fuel and so far also as may be necessary, for the construction of buildings required in the operation of any mines [mine] or mines on the premises hereby leased and also the timber necessary for drains, tramways and supports for such mine or mines: *Provided*, That the party of the second part shall have the right at any time to terminate this agreement insofar as it requires the party of the second part to mine ore on said land or to pay a royalty, therefor, by giving written notice to the party of the first part which shall be served by leaving the same with the commissioner of public lands, who shall officially, in writing, acknowledge the receipt of said notice and the foregoing contract shall terminate sixty (60) days thereafter and all arrears and sums which may be due under the same up to the time of its termination as set forth in said notice shall be paid upon settlement and adjustment thereof. The party of the first part further agrees that the party of the second part shall have the right under this agreement to contract with others to work such mine or mines or any part thereof or to sub-contract the same and the use of the said land or any part thereof for the purpose of mining for ore with the same rights and privileges as are herein granted to the said party of the second part. The party of the second part agrees that he will in each year during the life of this lease perform work or make improvements upon the premises hereinbefore described to an amount of not less than one hundred dollars (\$100.00) for each twenty (20) acres included therein and will file with the commissioner of public lands an affidavit of the performance of said work, which affidavit shall give the nature and extent thereof. And it is further expressly agreed that if the party of the second part shall

fail to perform said labor as hereinbefore provided that said lease shall then, at the option of the commissioner of public lands, be forfeitable and the commissioner of public lands shall thereupon, if he shall elect to forfeit this lease and contract, serve upon the party of the second part, or his assignee, if notice of such assignment has been given to the commissioner of public lands, a notice that unless he performs such work within ninety (90) days after the giving of said notice, that this contract and lease shall thereupon become forfeited, terminated and at an end, such ninety (90) day period to commence from the date said notice is mailed by the commissioner of public lands, all such notices to be given by registered mail and if the address of the holder of this contract is unknown then such notice shall be given by posting a copy thereof on said land at the point of any mining operations thereon, which notice shall thereupon be deemed sufficient."

SEC. 4. That section 6788 of Remington & Ballinger's Annotated Codes and Statutes of the State of Washington be amended to read as follows:

Section 6788. The terms and conditions on which the land covered by said contract and lease may be mined and the royalties ascertained and paid shall be agreed upon by the commissioner of public lands and the contract-holder: *Provided*, That such contract and lease shall provide for the payment to the state of a royalty of not less than one per cent (1%) nor more than four per cent (4%) of all moneys received from the sale of minerals from said lands covered by said contract and lease after deducting therefrom the cost of transportation and treatment: *And provided further*, That in addition to the royalty herein provided for, the contract holder and lessee shall pay an annual rental of ten dollars (\$10.00) for each forty (40) acres, or fraction thereof included in said contract and lease.

SEC. 5. The commissioner of public lands of the State of Washington is hereby authorized to execute leases and contracts for the mining of gold, silver, copper, lead, cin-

Royalties
and rentals.

Mining con-
tracts on
lands leased
or sold
by state.

nabar or other valuable minerals from any lands sold or leased by the state, the minerals of which have been reserved by the state. Any citizen of the United States finding minerals upon any lands which the State of Washington may have sold or leased and reserved the mineral rights thereon, may apply to the commissioner of public lands for a lease of any amount not exceeding eighty (80) acres, for prospecting purposes, such application to be made by legal subdivision, according to the public land surveys. Upon the filing of any such application, the commissioner of public lands shall set the same down for hearing at a date not less than thirty (30) nor more than sixty (60) days from the date of filing the application, and shall notify the applicant and the owner or lessee of the lands, the mineral rights in which have been reserved by the state, of the time and place of said hearing. Before the date of the hearing, the commissioner of public lands shall make a full investigation of the lands and the feasibility of extracting minerals found upon said lands, and of the probable amount of damages which will accrue to said lands by reason of extracting mineral therefrom. If at said hearing it shall appear that said lands do not contain valuable mineral in sufficient quantities to warrant the extraction thereof, the commissioner shall reject such application. From any decision of the commissioner rejecting an application, the applicant may appeal to the superior court of Thurston county by filing a notice of appeal with the clerk of the court and serving a copy thereof upon the commissioner and upon the owner or lessee of the lands, the mineral rights in which have been reserved by the state; and all such appeals shall be heard *de novo* and speedily determined. If, at such hearing before the commissioner, it shall appear that the lands contain valuable mineral in such quantities as to warrant the extraction thereof, the commissioner shall determine the amount of damages which will accrue to the owner or lessee of the lands by reason of entry thereon and the extraction of minerals therefrom and shall determine the terms and

Hearing of application.

Appeals from decision to superior court.

Determination of damages to owner or lessee.

Terms of
contract.

conditions upon which said right to enter upon said lands and extracting minerals shall be leased, the time and duration of such lease, the royalties to be paid to the state under such lease and shall impose such other regulations as may be deemed proper to safeguard the interest of the state and of the owner or lessee of the land and shall execute and deliver to the applicant a contract of lease embodying the conditions and regulations so determined and imposed.

SEC. 6. That section 6844 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Right-of-way
for irriga-
tion ditches.

Section 6844. A right-of-way through, over and across the public lands of the State of Washington is hereby granted to any irrigation district, or irrigation company duly organized under the laws of this state, and to any association or individual, constructing or proposing to construct an irrigation ditch or pipe line for irrigation, or to any diking and drainage district or any diking and drainage improvement district constructing or proposing to construct a dike or drainage ditch.

SEC. 7. That section 6845 of Remington and Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Procedure
to obtain
benefits of
grant.

Section 6845. In order to obtain the benefits of this grant, the irrigation district, irrigation company, association or individual constructing or proposing to construct such irrigation ditch or pipe line for irrigation, or the diking and drainage district or diking and drainage improvement district constructing or proposing to construct any dike or drainage ditch, shall file with the board of state land commissioners a map accompanied by the field notes of the survey and location of the proposed irrigation ditch or dike or drainage ditch and shall pay to the state as hereinafter provided, the amount of the appraised value of the said lands used for or included within said right-of-way. The land within said right-of-way shall be limited to an amount necessary for the construc-

tion of a ditch or dike sufficient for the purposes required, together with sufficient land on either side thereof for egress and ingress to maintain and repair the same.

SEC. 8. That section 8095 of Remington and Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8095. A correct plat of all public ways so established shall be made, one copy of which shall be filed with the commissioner of public lands of the state and one copy shall be kept in the office of the chairman of the board of harbor line commissioners, and each county shall be furnished with a correct plat of all such public ways established within its borders, and such plats shall be filed as city or town plats are filed and become a part of the county records.

Waterway
plats filed
with land
commissioner.

SEC. 9. That section 8114 of Remington & Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8114. The board of county commissioners of each county in this state is hereby authorized to build and maintain, when in their judgment the convenience of the public so requires, and subject to the approval of the board of state land commissioners, wharves and landings on and across the tide or shore lands owned by the State of Washington of any navigable waters or watercourses within or bordering upon their respective counties and not in front of or included within the limits of any incorporated city or town; said wharves or landings to begin at the point of termination of a county road at or near the shore of such navigable waters or watercourses, and to extend so far into said waters or watercourses as the convenience of shipping may require.

Wharf
construction
by counties
on tide and
shore lands.

SEC. 10. That section 8115 of Remington and Balingler's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 8115. In cases where the board of county commissioners shall determine to build, construct and maintain wharves or landings as aforesaid over and across tide

Grant of
easement.

Procedure
to obtain.

or shore lands owned by the State of Washington, the board of state land commissioners are hereby authorized to grant an easement to the county for so much of said tide or shore land as may be necessary for right-of-way purposes: *Provided*, That a duly attested and sworn copy of the plat made by the county surveyor shall first be filed with the board of state land commissioners, together with a petition of the board of county commissioners setting forth the reasons for the same; and the aforesaid plat, when approved by the board of state land commissioners, shall be and form the official plat of said right-of-way and shall be filed in the office of the commissioner of public lands and the said plat shall show the amount of land embraced in the proposed right-of-way and the location of the same relative to at least two of the corners of the public land survey.

SEC. 11. That section 1, chapter 144, Laws of 1915, be amended to read as follows:

Re-leasing
harbor areas
to lessees.

Section 1. Upon the expiration of any lease of harbor area heretofore or hereafter executed, if the lessee desires to re-lease the harbor area covered by such lease, he may make application therefor to the board of state land commissioners for a re-lease of such harbor area. Such application shall be made within thirty days after the expiration of such lease and shall be in writing and under oath, setting forth the character and value of all improvements existing on the harbor area, the name and post office address of the owner thereof, the purpose for which he desires to re-lease the harbor area, the amount considered by such lessee as the reasonable annual rental value thereof, and such other and further information as the board of state land commissioners may require. Said application shall be accompanied by a deposit of ten dollars (\$10.00), which deposit, if the said harbor area be not leased through the failure or refusal of the applicant to accept a lease at the rate fixed by the board of state land commissioners, shall be forfeited to the state and paid to the state treasurer and credited to the general fund of the state. The board

Application
of lessee.

Deposit fee.

of state land commissioners may, upon the filing of such an application, cause the harbor area applied for to be inspected and a careful investigation of such application made; and if said board shall deem it for the best interests of the state, it may issue to said applicant a re-lease of said harbor area upon such terms and conditions conforming to the provisions of the constitution of the State of Washington as shall be determined upon by said board: *Provided*, That every such lessee shall be required to furnish a surety bond as is now provided for in cases of leases of harbor area authorized and executed by said board: *And provided further*, That this act shall not be construed as affecting or relating to the power and authority of port commissions to lease harbor areas belonging to the State of Washington within the territorial limits of port districts.

Surety bond.

Port districts not affected.

SEC. 12. That the board of state land commissioners be and hereby is authorized to lease any harbor area, tide lands or other lands of the State of Washington, whether the same be now reserved from lease or sale by any existing act or not, except tide lands or harbor area in front of any incorporated city or town or within two miles thereof on either side, and excepting any oyster reserve containing oysters in merchantable quantities, to any person, firm or corporation, for booming purposes. Such leases shall not be granted for a longer term than ten years from the date thereof; and the board of state land commissioners shall prior to the issuance of any such lease fix an annual rental for the lands leased, and prescribe the terms and conditions of the lease. The board may declare a forfeiture of any lease for a violation of any of the terms or conditions thereof. Any person, firm or corporation leasing any lands under the provisions of this act shall receive, hold and assort the logs and other timber products of all persons requesting such service, and upon the same terms and without discrimination, and may charge and collect tolls on all logs or other timber products so handled, said tolls not to exceed seventy-five cents per

Leases for boom purposes.

Exception.

Terms.

Forfeiture
of lease.

Preference
right to
re-lease.

Sale of
material on
state lands
for highway
construction.

thousand on all logs, spars or other large timber, and reasonable rates on all other timber products, and shall be subject to the same duties and liabilities, so far as the same are applicable, as are imposed upon boom companies organized under the laws of this state. Failure to use any lands leased under the provisions of this act for boom purposes for a period of more than one year shall work a forfeiture of the lease, and such lands shall revert to the state without any notice or declaration of forfeiture. At the expiration of any lease issued under the provisions of this act, the original lessee shall have the preference right to re-lease the lands covered by his original lease for a further term, not to exceed ten years, at such rental and upon such terms and conditions as may be prescribed by the board of state land commissioners.

SEC. 13. Any county, city or town desiring to purchase any stone, rock, gravel or sand upon any of the public lands of the state, including tide and shore lands, to be used in the construction, maintenance or repair of any public street, road or highway within such county, city or town, may file with the board of state land commissioners an application for the purchase thereof, as hereinafter provided. Such application shall set forth the quantity and kind of material which the said county, city or town desires to purchase, the location thereof and the street, road or highway upon which the same is to be used. The board of state land commissioners upon the receipt of such an application is authorized to sell said material in such manner and upon such terms as they deem advisable and for the best interests of the state: *Provided, however,* That such material shall in no case be sold for less than the fair market value thereof.

Passed the House February 14, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 149.

[S. B. 212.]

SALE OF STATE LANDS.

AN ACT relating to the management, sale, lease and disposition of state lands and amending section 6675 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6675 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6675. All state lands shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of issuance of the contract of sale and one-tenth annually thereafter until the full purchase price has been paid: *Provided*, That any purchaser may make full payment at any time. All deferred payments shall draw interest at the rate of six per cent (6%) per annum. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date. All remittances for payment of either principal or interest must be forwarded to the commissioner of public lands: *Provided, further*, That the board of state land commissioners may, when they deem it for the best interests of the state, sell any of the granted lands of the state in tracts of not more than eighty acres upon the following terms and conditions: One-twentieth of the purchase price to be paid on the date of sale and one-twentieth on the eleventh year thereafter, and one-tenth annually thereafter until the full purchase price has been paid: *Provided, further*, That before any such lands are offered for sale the board of state land commissioners shall prescribe the extent and character of the improvements that shall be placed upon said lands annually during the first ten years of said contract and said contract shall be subject to forfeiture if

Terms of sale.

Interest on deferred payments.

Twenty year sales.

Improvements required.

the holder thereof shall fail each year to make such improvements as shall be prescribed by said board of state land commissioners before said lands are offered for sale, and the making of such improvements by such contract holder shall, in addition to the payments provided for in said contract, be considered as a part consideration therefor. Every such purchaser shall render to said board between the 10th day of December and the 31st day of December of said years a full and complete statement of the character and cost of the improvement placed upon said land during such year. Any such purchaser shall have the right to improve said lands during any one year to any greater extent than that prescribed by the board of state land commissioners, if he so desires, and he may pay the full purchase price upon said lands at any time prior to the dates of payment as above provided for, if the board of state land commissioners are satisfied that the improvements which he has placed upon said lands are such as to insure the *bona fide* cultivation and use thereof for agricultural, horticultural and dairying purposes. All deferred payments upon said contract shall draw interest at the rate of four per cent (4%) per annum for the first ten years after the date of sale and thereafter at the rate of six per cent (6%) per annum until the full purchase price has been paid. The object and purpose of this proviso is to encourage the cultivation and improvement of state lands and the use of such lands for agricultural, horticultural or dairying purposes and it shall be construed to be additional to and concurrent with existing laws so far as necessary to the carrying out of such object and purpose.

When the entire purchase price of any land shall have been fully paid, such fact shall be certified by the commissioner of public lands to the governor, whereupon he shall cause a patent to be issued to the purchaser. Patents shall be signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, and shall be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed or patent

Rate of
interest.

Patents.

of land issued by the governor, other than the fee provided for in this chapter: *Provided, further,* That each and every contract for the sale of any state lands, or deeds or patents to such state lands except deeds or patents issued pursuant to contracts heretofore made shall contain the following saving clause: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved." *Provided, further,* that no rights shall be exercised under this reservation by the state, its successors or assigns, until provision has been made by the state, its successors or assigns to pay

Reservation
of minerals.

Payment of
damages to
owner.

to the owner of the land upon which the rights herein reserved to the state, its successors or assigns are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *And provided further*, That if said owner from any cause whatsoever refuses or neglects to settle said damages, then the state, its successors or assigns, or any applicant for a lease from said state, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as shall be necessary to determine the damages which said owner of said land may suffer, and upon payment or tender of the amount so ascertained to the owner by said applicant, he shall be entitled to a lease pursuant to the laws of this state and shall have a preferred right to said lease as of the date of the filing of his application with the commissioner of public lands for said lease.

Proceedings where owner refuses to settle damages.

Passed the Senate February 20, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 150.

[S. B. 219.]

PLATTING AND DONATION OF SHORELANDS AND HARBOR AREAS FOR PUBLIC USE.

AN ACT providing for the setting apart and donating for public use certain shorelands, providing for the platting of harbor areas and making an appropriation for such purposes.

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

SECTION 1. That as soon as practicable after the taking effect of this act it shall be the duty of the commissioner of public lands to plat for the public use harbor area in front of such portions of the shorelands of Lake Washington heretofore sold as second class shorelands by the State of Washington as in the opinion of said com-

Plat of Lake Washington second class shorelands.

missioner are necessary for the use of the public as harbor area: *Provided, however,* That this act shall not be construed to authorize said commissioner to change the location of any inner or outer harbor line or the boundaries or location of, or to re-plat any harbor area heretofore platted under and by virtue of chapter 183 of the Session Laws of 1913; and the title to all shorelands heretofore purchased from the state as second class shorelands is hereby confirmed to such purchaser, his heirs and assigns, out to the inner harbor line heretofore established and platted under chapter 183 of the Session Laws of 1913 or which shall be established and platted under this act, and all reservations shown upon the plat made and filed pursuant to chapter 183 of the Session Laws of 1913, are declared null and void, except reservations shown thereon for harbor area and reservations in such harbor area and reservations across shorelands for traversed streets which were extensions of streets existing across shorelands at the time of filing of such plat. Said land commissioner shall in platting said harbor area make a new plat showing all the harbor area on Lake Washington already platted under said chapter 183 of the Session Laws of 1913 and under this act; and upon the adoption of said new plat by the said board of land commissioners acting as a harbor commission and the filing of said plat in the office of the commissioner of public lands, the title to all said harbor area so selected shall remain in the State of Washington, and such harbor area shall not be sold, but may be leased, as provided by law relating to the leasing of such harbor area.

SEC. 2. That immediately after establishing the harbor area provided for herein, it shall be the duty of the commissioner of public lands to make a plat designating thereon all shorelands, of the first and second class, not theretofore sold by the State of Washington, and to select for the use of the public out of such shorelands, or out of harbor areas in front thereof, sites for slips, docks, wharves, warehouses, streets, avenues, parkways, boule-

Plat of all
unsold
shorelands.

Reservations
for wharves,
streets, etc.

wards, alleys, commercial waterways and other purposes, insofar as such shorelands may be available for any or all such purposes, and upon the filing of such plat of shorelands with such reservations and selections thereon, in the office of the commissioner of public lands, the title to all selections for streets, avenues and alleys shall vest in any city or town within the corporate limits of which they may be then situate, otherwise in the county in which situate. The title to and control of any lands so selected and designated upon such plat for parkway and boulevard purposes shall, if the same lie outside of the corporate limits of any city or town, and if the same form a part of the general parkway and boulevard system of a city of the first class, be in such city. The title to all selections for commercial waterway purposes shall vest in the commercial waterway in which situate, or for which selected, and the title to all selections for slips, docks, wharves, warehouses and other purposes shall vest in the port district if they be situate in a port district, otherwise in the county in which situated, and any sales of such shorelands hereafter shall be made subject to such selection and reservation for public use. In case of any reservations made as hereinbefore provided for the city of Seattle or the port of Seattle out of first class shorelands platted prior to the first of March, 1917, the city council or the port commission shall within sixty (60) days after the filing of the plat by the land commissioner showing such reservations file an acceptance thereof with the land commissioner and within two (2) years after the filing of such acceptance pay to the State of Washington the appraised value of such shorelands of the first class so reserved and accepted for the benefit of the Alaska-Yukon-Pacific Exposition, and shoreland improvement fund, and in default of making such payment within such time said reservations shall be null and void and such reservations shall be subject to sale in the same manner as if they had not been made: *Provided, however,* That in case all outstanding warrants issued against the Alaska-Yukon-Pacific Exposition and

Acceptance
by city and
port of
Seattle.

Payment for
reservations.

shorelands improvement funds are paid in full prior to the expiration of the two (2) year period provided for above, then any reservation of first and second class shorelands made for the city of Seattle or the port of Seattle and accepted and not paid for shall vest in municipality for which the reservation was made without said municipality being required to pay to the State of Washington the appraised valuation thereof.

When
payment
excused.

SEC. 3. There is hereby appropriated for the commissioner of public lands the sum of five thousand dollars (\$5,000.00) for the fiscal term beginning April 1, 1917, and ending March 31, 1919, for the purpose of making necessary surveys and plats and other work incident to carrying out the purposes and provisions of this act.

Appropriation,
\$5,000.

SEC. 4. The said sum of five thousand dollars (\$5,000.00) herein appropriated shall be repaid to the general fund out of the moneys hereafter coming into the state shoreland improvement fund, after present obligation upon said fund has been paid.

Repayment
to general
fund.

Passed the Senate March 2, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 151.

[S. B. 324.]

VALIDATION OF COUNTY WARRANTS ISSUED AS REWARDS FOR APPREHENSION OF CRIMINALS.

AN ACT relating to and validating warrants issued by the board of county commissioners in payment of rewards for the apprehension and conviction of criminals.

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

SECTION 1. That whenever heretofore the board of county commissioners of any county, shall have offered a reward to any person or persons who shall apprehend, bring back and secure any person for the commission of a

felony, but shall not have named, in such offer, the person whose apprehension is sought, and any person, in consequence of such offer, shall have apprehended, brought back and secured the person who committed such felony, and such person shall have been charged therewith and convicted thereof, and the board of county commissioners shall have ordered such reward paid to the person so affecting such arrest and conviction, and the county auditor of such county shall have issued a warrant in payment of such reward, and such warrant shall have been held or shall be invalid by reason of the fact that in the offer of such reward by the board of county commissioners, no particular person was named as the person for whose arrest and conviction such reward was offered, such warrant shall be and is hereby declared to be valid, and it shall be the duty of the county treasurer of such county to pay such warrant out of the fund in the county treasury upon which the same was drawn, but no interest shall be paid thereon.

Passed the Senate March 2, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 152.

[S. B. 195.]

POWERS OF COMMERCIAL WATERWAY DISTRICTS.

AN ACT relating to commercial waterway districts of the State of Washington, and providing for the issuance of refunding bonds by said district, and amending section 8172 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That all bonds heretofore issued or hereafter to be issued by any commercial waterway district of the State of Washington, may be refunded in the discretion of the board of commissioners of such district in

Issuance of
refundng
bonds.

the manner hereinafter provided, whenever in the discretion of the board it becomes advisable so to do: *Provided, however,* That such refunding shall not operate so as to accelerate the maturity of any outstanding bonds which are so sought to be refunded. All the provisions of the existing laws relating to bonds of commercial waterway districts shall apply to any such refunding bonds, except that such refunding bonds may be exchanged for outstanding bonds without notice: *Provided,* That the same are so exchanged at not less than par value: *And provided further,* That such refunding bonds shall be payable in not less than five (5) years, nor more than twenty (20) years from their date, and may be payable in installments from year to year covering a period of not less than five (5) years commencing from said five (5) years from date.

SEC. 2. That section 8172 of Rem. & Bal. Code as amended by chapter eleven (11) of the Laws of 1911, be and the same is hereby amended so as to read as follows:

Section 8172. Any commercial waterway district organized or validated under the provisions of this act, or attempted to be organized under the provisions of any previous act and validated under the provisions of any other act, shall have the following powers and authority:

Powers.

(a) The right of eminent domain, with power by and through its board of commissioners to cause to be condemned and appropriated private property for the use of said organization in the construction and maintenance of a system of commercial waterways and make just compensation therefor: *Provided,* That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: *Provided, further,* That the said board of commissioners shall have the power to acquire by purchase all the property necessary to make the improvements herein provided for.

Right of eminent domain.

(b) Said board of commissioners herein provided shall have the right, power and authority to straighten, widen, deepen and improve any and all rivers, water-courses, streams, whether navigable or otherwise, flowing

Improvement of streams.

through or located within the boundaries of said district, or extensions or enlargements thereof.

Construction
of necessary
appliances.

(c) To construct all needed and auxiliary ditches, canals, flumes, locks, dikes, and all other artificial appliances in the construction of a commercial waterway system, and which may be necessary or advisable to protect the land in any commercial waterway district, from overflow, or to assist and become necessary in the preservation and maintenance of such commercial waterway system.

Acquisition
of rights of
way.

(d) In the accomplishment of the foregoing objects, the commissioners of said waterway district are hereby given the right, power and authority by purchase or the exercise of the power and authority of eminent domain, or otherwise, to acquire all necessary and needed rights of way in the straightening, deepening, or widening, or otherwise improving of such rivers, watercourses or streams, and such auxiliary ditches, canals, flumes and dikes hereinabove mentioned, and when so acquired shall have and are hereby given the right, power and authority by and with the consent and approval of the United States government in cases where such consent is necessary, to divert, alter and change the bed or course of or otherwise improve any such river, watercourse or stream aforesaid, or to deepen, widen and straighten the same: *Provided*, That such diversion, alteration or change shall not be had without payment of compensation or damages for any property rights, riparian or otherwise, that may be taken or damaged thereby. Said district and its board of commissioners shall also have the right, power and authority to acquire, either by condemnation or purchase, or both, all such property and property rights adjoining or in the vicinity of any system of commercial waterways as may be necessary or advantageous or proper for the construction and establishment of slips, docks, wharves or landing places or other aids to navigation and commerce in connection with the use of any such commercial waterway, and to pay for any or all such, either by means of the

Lands for
dock
purposes.

proceeds of sale of abandoned beds of streams, which the district may have acquired, or by exchanging property in said abandoned beds, as the board of commissioners may deem advisable. Said district through its board, shall also have power to lease all properties or lands on such terms and in such manner as the commissioners may deem advisable from time to time.

Power to lease.

(e) The right, power and authority to acquire the necessary and needed rights of way for any and all purposes created by this act may be acquired by the commissioners of any waterway district over and across or upon any land or interest therein of the State of Washington, or any county of this state, and streets, alleys, and avenues, or public places of any city, town or municipal corporation of this state: *Provided, however,* That the construction of such commercial waterway or commercial waterways shall not have the effect of impairing any right, power or authority now existing on the part of any city or town to construct in, upon, underneath, above or across such commercial waterway or commercial waterways, sewers, water pipes, mains, the granting of any franchise thereon, or improve by the way of planking, replanking, paving, repaving or any other power, right and authority which, but for this act, such city or town would have in or to such street, avenues, alley or public place, except, however, that such right, power and authority on behalf of such city or town shall not be exercised either by such city or town or by any person or persons, firms or corporations, to whom it might grant any right or franchise which will materially impair the efficiency of said commercial waterway or commercial waterways. The provision of this section as regards such system of commercial waterway or commercial waterways, to be constructed within the boundaries of any incorporated city or town, shall apply to the extension or enlargement of any commercial waterway or commercial waterways already existing upon, over and across any street,

Rights of way over state and municipal lands.

Rights of cities, in crossing waterways.

Extensions of waterways.

avenue, alley or public place, of any city or town, as well as the original construction thereof.

Passed the Senate March 2, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 153.

[S. B. 58.]

POWER OF EMINENT DOMAIN FOR MILITARY PURPOSES.

AN ACT relating to the exercise of the power of eminent domain for military purposes, by the state, by counties and by cities.

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

SECTION 1. Whenever the governor, as commander-in-chief of the military of this state, shall deem it necessary to acquire any lands, real estate, premises or other property for any military purpose or purposes of this state, either to add to, enlarge, increase or otherwise improve state military facilities now or hereafter existing or to establish new facilities, the acquisition of which shall have been provided for by the state, by a county or by a city, or by either, all or any thereof, upon certificate by the governor of such necessity, proceedings for the condemnation, appropriation and taking of the lands, real estate, premises or other property so certified to be necessary shall be taken as follows:

Where the state is to pay the purchase price it shall be the duty of the attorney general, upon receipt by him of said certificate of the governor, to file a petition in the superior court for the county in which such lands, real estate, premises or other property may be situate praying such condemnation, appropriating and taking, which petition shall be prosecuted to a final determination in the manner by law provided for other condemnation suits brought by or on behalf of the state;

Certificate of necessity.

Proceedings by state.

Where a county is to pay the purchase price it shall be the duty of the prosecuting attorney of said county, upon receipt by him of said certificate of the governor, to file a petition in the superior court for said county praying such condemnation, appropriation and taking, which petition shall be prosecuted to a final determination in the manner by law provided for other condemnation suits brought by or on behalf of a county; By county.

Where a city is to pay the purchase price it shall be the duty of the corporation counsel, city attorney or other head of the legal department of said city, upon receipt by him of said certificate of the governor, to file a petition in the superior court for the county in which said city is situate, praying such condemnation, appropriation and taking, which petition shall be prosecuted to a final determination in the manner by law provided for other condemnation suits brought by or on behalf of such city; By city.

Where the purchase price is to be paid by the state, a county and a city or by the state and a county, or by the state and a city, or by a county and a city, the condemnation shall be prosecuted to a final determination in the manner by law provided for either or any thereof, as the governor may determine, which determination shall be final and conclusive. Joinder of state, county and city.

SEC. 2. Nothing herein contained shall be construed as in any manner applying to condemnation by any county for the purpose of acquiring title to any site for a mobilization, training and supply station, to be donated by any county to the United States. Inapplicable to condemnation for Federal purposes.

Passed the Senate January 31, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 154.

[S. B. 17.]

CONVERSION OF BUILDING, LOAN AND SAVINGS ASSOCIATIONS INTO MUTUAL SAVINGS BANKS.

AN ACT permitting the conversion of building and loan and savings and loan associations and societies into mutual savings banks, prescribing the procedure therefor and declaring the effect thereof.

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

SECTION 1. Any going building and loan or savings and loan association or society organized under the laws of this state, may, if its contingent fund regularly accumulated, exclusive of any reserve fund stock, amounts to not less than five thousand dollars (\$5,000.00), be converted into a mutual savings bank in the following manner:

(a) The board of directors of such association shall pass a resolution declaring their intention to convert the association into a mutual savings bank, and shall cause a copy thereof, certified by the secretary of the association, to be filed in the office of the state auditor, and a like copy to be delivered to the state bank examiner, and shall cause a copy thereof to be published once a week for four successive weeks in a newspaper to be designated by the state bank examiner, such publication to be commenced within thirty (30) days after such designation.

(b) Within ten (10) days after the date of the last publication of such resolution, the board of directors shall file with the state bank examiner proof of the publication thereof and of the filing of a copy with the state auditor, and shall apply to the state bank examiner for leave to submit to the shareholders of the association the question whether the same shall be converted into a mutual savings bank. Thereupon the state bank examiner shall make the same investigation and determine the same questions that he would be required by law to make and determine in case of the submission to him of a certificate of incorporation of a proposed new mutual savings bank, and he shall

Authority
for change.

Resolution
by board of
directors.

Publication.

Investiga-
tion by bank
examiner.

also determine, after conference with the state auditor, whether by the proposed conversion the business needs and conveniences of the shareholders of such association would be served with facility and safety: *Provided*, That if the association's contingent fund be five thousand dollars (\$5,000.00) or more, the applicants shall create an initial guaranty fund and an initial expense fund and shall also enter into such an agreement or undertaking with the state bank examiner as trustee for the depositors with the savings bank as he may require to make such further contributions in cash to the expense fund of such savings bank as may be necessary and as is required from the incorporators of mutual savings banks. The contingent fund of such building and loan or savings and loan association may be applied to the creation of such guaranty fund and expense fund. After the state bank examiner shall have satisfied himself by such investigation whether it is expedient and desirable to permit the proposed conversion, he shall, within sixty (60) days after the filing of said application, endorse thereon over his official signature the word "granted," or the word "refused," with the date of such endorsement, and shall immediately notify the secretary of such association of his decision. In case of refusal, said board of directors, or a majority of the members thereof, may, within thirty (30) days after receiving the notice of such refusal, appeal to a board of appeal composed of the governor, the attorney general and the state bank examiner, in the same manner and under the same procedure as that prescribed by law for an appeal to such board from the state bank examiner's refusal to permit the original organization of a mutual savings bank.

Decision of
examiner.

Board of
appeal.

(c) If such application be granted by the state bank examiner or by the board of appeal, as the case may be, the board of directors of such association shall, within sixty (60) days thereafter, submit the question of the proposed conversion to the shareholders of the association at a special meeting called for that purpose. Notice of

Submission
to vote of
shareholders.

Notice of
special
meeting.

such meeting shall be given in the manner prescribed by the by-laws of the association and also by the mailing of a copy of such notice to each shareholder at his last known postoffice address at least fifteen (15) days before the date of the meeting, and also by publication of such notice in ten (10) successive issues of a daily, or if there be no daily, then in two successive issues of a weekly newspaper published and of general circulation in the county wherein the principal office of such association is located, the last insertion to be not less than five (5) nor more than fifteen (15) days before the date of the meeting. Such notice shall state the time, place and purpose of the meeting, and that the only question to be voted upon will be, "shall the (naming the association) be converted into a mutual savings bank under the laws of the State of Washington?" The vote on said question shall be by ballot. Any shareholder may vote by proxy or may transmit his ballot by mail if the by-laws provide a method for so doing. If two-thirds (2-3) or more in number of the shareholders voting on the question vote affirmatively, then the board of directors shall have power, and it shall be their duty, to proceed to convert such association into a mutual savings bank; otherwise, the proposed conversion shall be abandoned and shall not be again submitted to the shareholders within three (3) years from the date of said meeting.

Necessary
vote to
authorize
conversion.

(d) If authority for the proposed conversion has been voted by the shareholders as hereinabove required, the directors shall, within thirty (30) days thereafter, subscribe and acknowledge and file with the state bank examiner in quadruplicate a certificate of re-incorporation, stating:

Certificate
of re-incor-
poration.

(1) The name by which the converted corporation is to be known, which name shall include the words "mutual savings bank."

Contents.

(2) The place where the bank is to be located and its business transacted, naming the city or town and county, which city or town shall be the same as that where the

principal place of business of the corporation has theretofore been located.

(3) The name, occupation, residence and postoffice address of each signer of the certificate.

(4) The amount of the assets of the corporation, the amount of its liabilities and the amount of its contingent fund as of the first day of the then calendar month, and if the contingent fund be less than ten thousand dollars (\$10,000.00), the amount which each signer has contributed in cash to the initial expense fund.

(5) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a trustee of the savings bank, and is free from all the disqualifications specified in the laws applicable to mutual savings banks.

(e) Upon the filing of said certificate in quadruplicate the state bank examiner shall, within thirty (30) days thereafter, if satisfied that all the provisions of this act have been complied with, issue in quadruplicate an authorization certificate stating that the corporation has complied with all the requirements of law, and that it has authority to transact at the place designated in its certificate of incorporation the business of a mutual savings bank. One of the examiner's quadruplicate certificates of authorization shall be attached to each of the quadruplicate certificates of re-incorporation, and one set of these shall be filed and retained by the state bank examiner, one set shall be filed in the office of the county auditor of the county in which such bank is located, one set shall be filed in the office of the secretary of state, and one set shall be transmitted to the bank for its files. Upon the receipt from the corporation of the same fees as are required for filing and recording other incorporation certificates or articles the county auditor and secretary of state shall file said certificates in their respective offices and the secretary of state shall record the same; whereupon the conversion of such association shall be deemed complete, and the signers of said re-incorporation certificate and their

Authoriza-
tion cer-
tificate.

Filing of
articles and
certificates.

Completion
of conver-
sion.

successors shall thereupon become and be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to mutual savings banks, and the time of existence of such corporation shall continue for the period of fifty (50) years from the date of the filing of such certificate, unless sooner terminated pursuant to law.

Association
shareholder
becomes
bank
depositor.

SEC. 2. Upon the conversion of any association into a mutual savings bank, every person who was a shareholder of the association at the time of the conversion shall become and be deemed to be a depositor of the bank in a sum equal to the withdrawal value of his shares as of the day on which the conversion was consummated, and every such depositor shall share in the earnings of the corporation to that day as though the conversion had not been effected: *Provided, however,* That any person who was a shareholder shall be entitled at any time within sixty (60) days after the conversion was consummated to withdraw the value of his shares including his portion of the contingent fund as though no conversion had taken place, and in such case the value of the shares shall not be diminished by any fee, fine, forfeiture or penalty charged, imposed or incurred within one (1) year before the conversion or upon withdrawal.

Withdrawal
of share-
holders.

Return of
securities
held by state
auditor.

SEC. 3. All mortgages, notes and other securities of any association that has been converted into a mutual savings bank, shall on request of the bank, be delivered to it by the state auditor or under his direction by any trust company or other depositary having possession thereof. The continguent fund of the association shall become the guaranty fund of the bank; And every such bank shall, as soon as practicable and within such time and by such methods as the state bank examiner may direct, cause its organization, its securities and investments, the character of its business and its methods of transacting the same to conform to the laws applicable to mutual saving banks.

Guaranty
fund of bank.

Meaning of
terms
employed.

SEC. 4. In this act, unless repugnant to the context, the word "association" means "building and loan or sav-

ings and loan association or society;" the word "director" means one of the managing board of such a corporation; and the word "bank" means "mutual savings bank."

Passed the Senate February 1, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 155.

[H. B. 271.]

AMENDMENT OF MOTOR VEHICLE ACT.

AN ACT relating to the use of the public highways, and the rights and remedies of persons thereon, and fixing penalties for a violation of the conditions imposed; and providing for the licensing of motor vehicles and the collecting of fees therefor; amending sections 2, 3, 4, 6, 8, 10, 11, 12, 13, 15, 16, 17, 18, 19, 21, 24, 30, 31 and 34 of chapter 142 of the Laws of 1915, and repealing section 2531 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and all acts and parts of acts in conflict herewith.

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

SECTION 1. That section 2 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 2. The words and phrases herein used, unless Definitions. the same be clearly contrary to or inconsistent with the context of the act or section in which used, shall be construed as follows:

(1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce or any commodity, except traction engines temporarily upon the public highway, road rollers or road making machines, and motor vehicles that run upon rails or tracks; "Motor vehicle."

(2) "Automobile" shall mean the ordinary four wheeled motor vehicle, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided; "Automobile."

(3) "Motor cycle" shall mean a motor vehicle of two or three wheels intended for the carrying of one, two or "Motor cycle."

three persons, or operated by one person for the carrying of small parcels or packages;

"Auto stage."

(4) "Auto stage" as distinguished from "automobile" shall mean a motor vehicle used for the purpose of carrying passengers and baggage on a regular schedule of time and rates: *Provided, however,* That no motor vehicle shall be considered an auto stage where the whole route traveled by such vehicle is within the corporate limits of any incorporated city;

(5) "Motor truck" shall mean any motor vehicle designated or used for the transportation of commodities, merchandise, produce, freight or animals;

"Trailer."

(5a) "Trailer" shall mean any vehicle which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle;

"Public highway."

(6) "Public highway" or "public highways" shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard or other place built, supported, maintained, controlled or used by the public or by the state, county, district or municipal officers for the use of the public as a highway, or for the transportation of persons or freight, or as a place of travel or communication between different localities or communities;

"Local authorities."

(7) "Local authorities" shall include the officers of counties, cities or towns or other municipal sub-divisions of the state having control, power or authority over any of the subject matter embraced within this act;

"Peace officer."

(8) "Peace officer" or "peace officers" shall be taken to mean any officer or officers authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statutes relative to the public highways of the state;

"Dealer."

(9) "Dealer" shall be taken to mean any person, firm or corporation engaged in the sale of new or second-hand motor vehicles;

"Privately owned."

(10) "Privately owned" shall include all motor vehicles not offered for hire;

(11) "For hire" shall be taken to mean all motor vehicles, other than auto stages, used for the transportation of persons, for which transportation remuneration of any kind is received, either directly or indirectly.

"For hire."

SEC. 2. That section 3 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 3. The secretary of state, acting through the county auditors of the several counties of the State of Washington as hereinafter provided, shall have the general supervision of the issuing of motor vehicle licenses and of the collecting of fees therefor and shall have full power to do all things necessary and proper to carry out the provisions of this act; he shall have the power to appoint a deputy and such clerk or clerks as may be required from time to time, and may purchase all materials and make all expenditures as may be necessary hereunder.

Duties of secretary of state.

It shall be the duty of the secretary of state to make and furnish to each county auditor, and to such persons as may be in any manner responsible for the collecting of the motor tax hereinafter provided for, a tabulated list of all motor vehicles, except motor cycles, giving the make, model, the year built and horse power and setting opposite each such description the license fee charged therefor.

SEC. 3. That section 4 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 4. No person under fifteen years of age shall operate or drive a motor vehicle upon a public highway unless such person is accompanied by his or her parent, guardian, or the owner of such vehicle; no motor vehicle shall be operated upon a public highway without a license having been first obtained therefor, excepting as hereinafter provided: *Provided, however,* No motor vehicle for hire shall be operated by any person under the age of twenty-one years.

Operation by minors.

SEC. 4. That section 6 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 6. Upon receipt of such application accompanied by the proper fee, the county auditor shall give one

Filing of license application.

copy to the applicant, retain one for the county files, and immediately forward the original together with the proper fee, to the secretary of state. The county auditor shall, at the expense of the county issuing the same, furnish the applicant with a temporary number printed upon durable cardboard, which number shall be displayed always on the vehicle and shall entitle the licensee to operate the same for a period of thirty days from and after the date of such application, or until the permanent number shall have been received from the secretary of state at which time it must be replaced by the permanent number, and the temporary number card returned to the county auditor. All temporary number plates shall contain the name of the county issuing the same, together with the date of such issuance; the letters "Wn" and the year in which such license shall expire; and shall be displayed upon said vehicle in the same relative position as is hereinafter provided for the displaying of the permanent number.

Temporary
number
plates.

SEC. 5. That section 8 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 8. No license shall be transferred from one person to another person, but may be transferred from one vehicle to another vehicle, when duly authorized by the secretary of state on application therefor, through the county auditor, accompanied by the proper fee, and in case such vehicle to which it is desired to have such license transferred is of higher horse power rating than the vehicle for which the original license was issued, the applicant shall accompany such application with the additional amount required to cover the difference between the license fees for the two ratings. A license may be transferred from one classification to a different classification upon application to the county auditor and the payment of the difference between the license fee originally paid and the fee provided by this act for the class to which the transfer is made, together with an additional transfer fee of fifty cents: *Provided*, That no refund shall be made if the fee fixed by this act for the class to which such trans-

Transfer of
of licenses.

Transfer to
different clas-
sification.

fer is made be less than the fee originally paid: *Provided, however,* The original license and the number plates must be returned at the time application for transfer is made.

SEC. 6. That section 10 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 10. A dealer's license and a pair of distinctive number plates shall be issued to an actual dealer for any and all motor vehicles owned, handled, or dealt in by him, and for the fees as hereinafter specified, but shall not be used upon any motor vehicle while the same is being operated for hire, or for the transportation of any produce, freight or commodity unless the same is for the actual use of the dealer owning the vehicle so transporting such produce, commodity or freight: *Provided, however,* That no motor vehicle transporting any produce, commodity or freight under a dealer's license shall exceed 1 ton in carrying capacity: *Provided, further,* That nothing in this section shall be construed to prohibit the use of a motor vehicle of under one ton capacity from rendering assistance to, or transporting necessary supplies to, a motor vehicle which has become disabled.

Dealer's
license and
number
plates.

Such number plates, or duplicates thereof, shall be displayed on every motor vehicle by such dealer whenever the same is operated or driven upon any public highway in this state: *Provided,* That whenever a dealer shall maintain a branch or sub-agency, he shall apply for a separate registration for such branch, or sub-agency, and shall pay therefor the fee hereinafter provided for the registration of motor vehicles owned by, or under the control of said branch or sub-agency.

Display of
number
plates.

Maintenance
of branches.

SEC. 7. That section 11 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 11. Any person resident of another state or country may bring into this state any automobile or motor cycle and operate the same without obtaining a license therefor for a period of ninety (90) days in any one calendar year: *Provided,* Such person has complied in all respects with the laws of his own state or country as to

Right of
foreign
residents.

the registration or licensing of motor vehicles: *And provided further*, That such automobile or motor cycle is not used in this state for hire.

SEC. 8. That section 12 of chapter 142 of the Laws of 1915 be amended to read as follows:

Number
plates.

Section 12. On and after March 1, 1918, the secretary of state shall furnish to each licensee of a motor vehicle two number plates containing the number to be displayed on such vehicle as hereinafter provided. The number shall be in Arabic numerals not less than four inches in height nor less than one-half inches stroke, and shall be preceded by the letters "Wn" and by the last numeral of the year in which such license shall expire, and such number plate if issued to a dealer, shall contain the word "Dealer." The secretary of state may put such other mark or character on such plates or fix the color of same as he may determine, to properly identify the kind of license issued.

Year plate
for renewal
licenses.

The original number plates shall contain six perforations so located as to permit the attachment of the metal year plate hereinafter described, which plate when attached shall cover the letters "Wn" and the numeral indicating the year in which the license expires. Upon receiving an application for a renewal license the secretary of state shall issue the renewal license and furnish two year-plates direct to the applicant which year-plates shall be approximately 3 by 4 $\frac{3}{4}$ inches in size, and so constructed as to be readily attached to the original number plate in such manner as to cover the letters "Wn" and the numeral of the year in which the original license expired, and shall bear the letters "Wn" and the last numeral of the year in which the renewed license expired, and such other marks or characters as directed by the secretary of state, and shall be of such color as shall be determined by the secretary of state, which color shall be in strong contrast with the color of the number plate.

The size of the numerals for motor cycles shall be 2 $\frac{1}{2}$ inches high and $\frac{3}{8}$ -inch stroke, and the size of the year-plates shall be in proportion.

The applicant shall immediately upon receipt of the year-plates attach the same to his number plate as herein set forth: *Provided, however,* That if said year-plates shall have been patented and a royalty thereon be demanded on such year-plates furnished the State of Washington or if the holder of such patent refuses to permit the use of such year-plates by said state, then the secretary of state is hereby authorized, in his discretion, to select any other designating mark, or to furnish number plates as provided in section 12, of chapter 142 of the Laws of 1915. Similar number plates shall be furnished by the secretary of state to each licensee of a "trailer," one number plate to be attached to such trailer in the rear if said trailer is drawn or trailed behind a motor vehicle, or in the front thereof in the event that such trailer be propelled in advance of a motor vehicle. Any person who has heretofore obtained from the state a motor vehicle license, and who wishes to obtain a license bearing the same number, may do so by paying the sum of five dollars (\$5.00) in addition to the annual fees provided for herein: *Provided,* At the time such application is received by the secretary of state, such number has not been previously issued.

Plates for trailers.

Retention of license numbers.

SEC. 9. That section 13 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 13. Upon the sale of any motor vehicle the vendor shall remove his number plates therefrom, and delivery thereof shall not be deemed to have been made until the vendor has removed his number plates.

Removal of number plate on sale.

SEC. 10. That section 15 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 15. All fees herein authorized to be collected shall be as follows:

Schedule of fees.

ANNUAL FEES.

MOTOR CYCLES.

All	\$2 50
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AUTOMOBILES.

Automobiles—25 horse power, or under.....	5 00
Over 25 horse power and under 40 horse power.....	7 50
40 horse power and over.....	10 00

AUTOMOBILES FOR HIRE.

Automobiles for hire shall pay at the rate of, per horse power	1 00
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MOTOR TRUCKS AND TRAILERS.

Under one-half ton capacity.....	5 00
One-half ton and under one ton capacity.....	10 00
One ton and under two ton capacity.....	15 00
Two ton and under three ton capacity.....	25 00
Three ton and under four ton capacity.....	35 00
Four ton and not to exceed five ton capacity.....	50 00
Over five ton and not to exceed six ton capacity.....	100 00
Over six ton and not to exceed seven ton capacity.....	250 00

Provided, however, No license shall be issued for any truck with a carrying capacity greater than seven (7) tons. *Provided, further,* That no motor truck license shall be issued for a fee less than that required of an automobile of equivalent horse power.

AUTO STAGES AND TRAILERS.

Auto stages for hire shall pay at the rate of, per horse power	1 00
And in addition thereto for each rated passenger capacity of any such auto stage or trailer, per passenger.....	2 00

DEALER'S.

Motor cycles	3 00
All other motor vehicles regardless of horse power or capacity	25 00
Additional dealer's license plates bearing the same number, except motor cycle dealer's licenses.....	5 00

GENERAL FEES.

Duplication of number plates, except dealer's duplicates, each	1 00
Duplication of year plates, each.....	25
Dealer's duplicate number plates, each.....	2 50
Duplication of motor vehicle license.....	50
Transfer of motor vehicle license, each.....	50

Provided, That the provisions of this section relating to automobiles for hire shall not apply to private automobiles that shall be operated for hire for a period of two days or less, and for which a special permit so to operate shall have been obtained from the county auditor. The fee for any such permit shall be for each automobile the sum of..... \$1 00

SEC. 11. That section 16 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 16. For all motor vehicle licenses issued after the first day of September of any year only one-half the rate named in section 15 shall be charged.

Rates for partial year.

SEC. 12. That section 17 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 17. Motor vehicles owned by any city for the police or fire department, or any apparatus not suitable for the carrying of persons, used in cleaning, sprinkling or flushing of streets or in the transportation of refuse, or of the crematory, lighting or water department thereof, and used exclusively in these departments; and all motor vehicles owned by the United States Government and used exclusively in its service, shall be exempt from payment of license fees as herein provided: *Provided, however*, They must be registered as provided for in this act and display the number assigned by the secretary of state upon the machine; and, except in case of the federal government shall pay for such number a fee of fifty cents and in addition thereto the application fee of twenty-five cents as in section 20 [21] herein provided, nor shall said fire or police apparatus or any motor ambulance for the relief of sick or injured persons, when the emergencies of the occasion demand, be limited to the speed regulations authorized in this act. Any motor vehicle belonging to any city or town found operating outside such city or town shall be required to take out license for said motor vehicle as a privately owned motor vehicle in the class to which it belongs.

Exemption from license.

Speed limit in case of fire, police and ambulance service.

SEC. 13. That section 18 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 18. All fees collected by the secretary of state as herein provided shall be paid into the state treasury as

Disposition of fees.

other funds are paid and after returning, one-half annually, to the general fund the amounts appropriated therefrom each biennium for the expenses of the issuing of such licenses, the surplus shall go first to the various counties of the state in which are located primary highways for the maintenance of the primary highways of the state, a sum equaling \$100 per mile per year for such highways which have been or may hereafter be constructed therein. Such sum to be placed in the permanent highway maintenance fund of such county. The primary highways in order to come under the provisions of this act for maintenance purposes must be of a character equal to and up to the standard of permanent highway construction. The state highway commissioner shall between the 15th day of February and the first day of March of each year certify in duplicate one copy to the state treasurer and the other copy to the county commissioners of each county as aforesaid, the number of miles of such constructed primary highways within such county. The remainder of said automobile fund shall go to the permanent highway fund for the maintenance and repair of permanent highways in addition to the fund heretofore provided by law to be distributed in accordance with the amounts of money paid in to the permanent highway fund by the various counties of the state.

SEC. 14. That section 19 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 19. The authorized number plates of each motor vehicle shall be attached conspicuously to both front and rear of such vehicle. Each number plate shall hang in a horizontal position at a distance of not less than one foot nor more than four feet from the ground, and each number plate shall be kept clean so as to be plainly seen and read at all times.

Number
plates, how
attached.

SEC. 15. That section 21 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 21. Every motor vehicle shall exhibit during the hours of darkness, as least two lamps, one on each side,

Exhibition
of lights.

showing white lights visible two hundred feet or more in advance of said vehicle. Such motor vehicle shall have attached to the rear not less than one lamp showing a red light, visible at least two hundred feet in the rear of such machine, and the same light or additional light casting white rays of sufficient strength on the rear of number plate thereof, so that such number plate may be easily read at a distance of at least sixty feet: *Provided*, That motor cycles shall be required to carry only one light in the front thereof, which shall show white rays visible at least two hundred feet in advance of such motor vehicle: *Provided, further*, That it shall be unlawful to display any light showing red to the front of any motor vehicle. Every motor truck, the body of which exceeds six (6) feet in width shall exhibit during the hours of darkness, in addition to the above required lights, a white light on the left side of the machine defining the limit of the body of the machine or the overhanging load, if any there be, and beyond the outside thereof, so fixed or carried that the light therefrom may be seen both from the front and rear of said motor truck. Every motor truck, automobile or trailer carrying a load which projects over the rear end three feet or more shall be required to display a red flag by day and a red light by night, on the extreme end of such overhanging load. It shall be unlawful to use on a vehicle of any kind operated on the public highways of this state any lighting device of over four candle power equipped with a reflector, unless the same shall be so designed, deflected or arranged that no portion of the beam of reflected light, when measured seventy-five feet or more ahead of the lamps shall rise above forty-two inches from the level surface on which the vehicle stands under all conditions of road: *Provided*, That any vehicle coming under the provisions of this section not equipped as herein provided shall, when meeting another vehicle after dark, reduce speed to not more than four miles an hour until such approaching vehicle has passed. This shall not apply to spotlights, but a spotlight shall not be directed at an ap-

Lighting
equipment
of vehicles
on sale.

proaching vehicle. From and after the first day of July, 1918, it shall be unlawful to sell or offer for sale, or have in possession with intent to sell, any vehicle of any kind for operation on the public highways of this state equipped with any lighting device of over four candle power with a reflector unless such lighting device shall conform to the provisions of the preceding paragraph of this section.

SEC. 16. That section 24 of chapter 142 of the Laws of 1915 be amended to read as follows:

Rate of
speed.

Section 24. In no case shall any motor vehicle be driven, operated or moved at a rate of speed faster than one (1) mile in five (5) minutes at any crossing within the main thickly settled or business portion of any city or town nor within one hundred yards of any school house, on school days between eight o'clock in the morning and five o'clock in the evening within this state, nor in any portion of any city or town faster than one (1) mile in three (3) minutes, nor outside the limits of any city or town on any road, street or public place at a rate of speed faster than one (1) mile in two (2) minutes. No motor vehicle of a carrying capacity of two (2) tons and under three (3) tons shall be driven at a speed faster than at the rate of fifteen (15) miles per hour. Vehicles of a capacity of three (3) tons and under four (4) tons faster than fourteen (14) miles per hour. Vehicles of a capacity of four (4) tons and under five (5) tons faster than twelve (12) miles per hour. Vehicles of five (5) tons and over at a rate of speed not faster than ten (10) miles per hour. Auto stages of more than ten passengers capacity shall not be permitted to exceed a speed of twenty miles an hour on other than paved roads.

School
signs.

SEC. 17. There shall be constructed and maintained within one hundred (100) yards of each approach to each school house in the state, a conspicuous wooden or suitable sign with the words "school, slow down" painted thereon in letters of the following dimensions:

DESCRIPTION OF SCHOOL SIGN.

The size of the board shall be 15 inches by 27 inches over all, with a black border on the outer edges, one-fourth inch in width. The following directions shall be painted on the board in plain block letters in black on white background:

SCHOOL

SLOW DOWN

The word "School" shall be written above the words "Slow Down." The size of the letters shall be four (4) inches in height, about two and three-eighths ($2\frac{3}{8}$) inches in width, and spaced approximately four (4) inches from center to center. The lines forming the letters shall be one-half ($\frac{1}{2}$) inch in width.

The size of the letters in the words "Slow Down" shall be three (3) inches in height, about one and three-fourths ($1\frac{3}{4}$) inch in width, and spaced approximately two and three-fourths ($2\frac{3}{4}$) inches from center to center. The lines forming the letters shall be three-eighths ($\frac{3}{8}$) inch in width. The words "Slow Down" shall be underlined with a black line one-fourth ($\frac{1}{4}$) inch in width.

A margin of approximately two and one-fourth ($2\frac{1}{4}$) inches shall be left between the outer endge of the letters and the edge of the board. Said sign shall be constructed and maintained by the local authorities of the city or town in which any of said school houses are situated and at the expense of said city or town. For all school houses located outside the limits of any town or city said sign shall be constructed and maintained by the county in which any of said school houses are situated and at the expense of said county.

Maintenance
by local
authorities.

SEC. 18. That section 30 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 30. Any person who shall make falsely any statement herein required to be made or who shall obtain any license by any misrepresentation or deceit, or who

Penalty for
deceit and
violations of
act.

shall display any number or license not authorized by law to be used, or who shall in violation of the provisions of this act, loan or permit to be used any license or number issued to him or who shall in any manner violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly: *Provided*, That in no event shall the minimum fine be less than five dollars (\$5.00).

SEC. 19. That section 31 of chapter 142 of the Laws of 1915 be amended to read as follows:

Disposition
of fines.

Section 31. All moneys derived from fines assessed or forfeited bail for the violation of any of the provisions of this act shall be paid into the permanent highway fund, for the maintenance and repair of permanent highways in addition to the funds heretofore provided by law, to be distributed in accordance with the amounts of money paid into the permanent highway fund by the various counties of the state.

SEC. 20. That section 34 of chapter 142 of the Laws of 1915 be amended to read as follows:

Restriction
on local
authorities
as to speed
and license
regulations.

Section 34. The local authorities shall have no power to pass or enforce any ordinance, rule or regulations governing the speed of any motor vehicle, or requiring of the owner or operator of any motor vehicle, any license other than an occupation license or a tax which may be levied in only one city or town when such motor vehicle is engaged in inter-city service, or permitted to use the public highways except as herein provided or to exclude or to prohibit any motor vehicle whose owner has complied with the provisions of this act from the free use of the public highways, and all such rules, ordinances, and regulations now in force are hereby declared to be of no validity or effect: *Provided, however*, That nothing herein shall be construed as limiting the power of the county commissioners or local authorities to make, enforce, and maintain ordinances, rules and regulations governing traffic in addition to the provisions of this act affecting motor vehicles, but not in conflict therewith.

SEC. 21. At the time any application is made to the county auditor for a license, as provided elsewhere in this act, the applicant shall pay to the county auditor the sum of twenty-five cents for each application, in addition to the license fee provided for in section 15 of this act, which fee shall be paid to the county treasurer in the same manner as other fees, collected by the county auditor and credited to the county current expense fund.

Fee for
license
application.

SEC. 22. Every owner or operator of any motor truck or auto stage using the public highways in this state, shall equip such truck or auto stage with a mirror or other device to enable the driver thereof to have such a clear and unobstructed view of the rear as will enable him to obey the "rule of the road" when overtaken by any other vehicle.

Mirrors in
trucks and
auto stages.

SEC. 23. Drivers of all motor vehicles carrying passengers for hire on any of the public highways of this state outside the incorporated limits of any city or town, shall bring said vehicles to a full stop within fifty feet of any unguarded grade crossing of any railroad or inter-urban track before crossing the same.

Stops at
railway
crossings.

SEC. 24. Section 2531 of Remington and Ballinger's Annotated Codes and Statutes of Washington is hereby repealed.

Repealing
clause.

Passed the House February 24, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 15, 1917.

CHAPTER 156.

[S. B. 52.]

PROBATE CODE.

AN ACT to establish a code of probate law and procedure, including the making and probating of wills, administration of estates of deceased persons; appointment of guardians of the persons and estates of minors, insane and mentally incompetent persons and administering their estates and providing penalties for the violation of certain provisions of this act and repealing sections 1278 to 1340, both inclusive, sections 1372 to 1692, both inclusive, and sections 1694 and 1320-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and section 1693 of Remington & Ballinger's Annotated Codes and Statutes of Washington in part, and all other laws or parts of laws in conflict therewith.

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

I.

JURISDICTION AND POWERS OF THE COURT.

Extent of jurisdiction.

SECTION 1. The superior courts in the exercise of their jurisdiction of matters of probate shall have power to probate or refuse to probate wills, appoint administrators, executors and guardians of insane and incompetent persons and minors, and administer and settle all such estates, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction.

Books of record.

SEC. 2. There shall be kept in the office of the clerk of the superior court the following books of record for probate matters:

Journal.

1. A journal, in which shall be entered all orders, decrees and judgments made by the court, or the judge thereof, and the minutes of the court, in probate proceedings.

Will record.

2. A record of wills, in which shall be recorded all wills admitted to probate.

3. A record of letters testamentary and of administration, in which all letters testamentary and of administration shall be recorded. Letters.

4. A record of bonds, in which all bonds and obligations required by law to be approved by the court or judge in matters of probate shall be recorded. Bond record.

5. A record of claims, in which at least one page shall be given to each estate or case, wherein shall be entered, under the title of each estate or case, in separate columns properly ruled: 1, the names of claimants against the estate; 2, the date of filing proof of claim; 3, the amount claimed; 4, the amount allowed; 5, the date of allowance; 6, the nature of the claim; 7, the amount paid; 8, the number of the voucher for each payment; 9, the date of filing the voucher; 10, the date of disallowance and of notice of disallowance. Claim record.

6. A memorandum of the files, in which at least one page shall be given to each estate or case, wherein shall be noted each paper filed in the case, except proof of claims and vouchers noted in record of claims, and the date of filing each paper. Filing memo.

7. A record of marriages, in which certificates of all marriages solemnized in the county shall be recorded. Marriage record.

II.

NOTICES AND CITATIONS.

SEC. 3. Whenever personal notice is required to be given to any party to a proceeding in matters of probate, and other proceedings under this act, and no other mode of giving notice is prescribed, it may be given in the manner required for the service of summons in civil actions or by citation issued from the court, signed by the clerk and under the seal of the court, directed to the sheriff of the proper county, requiring him to cite such person to appear before the court or judge, as the case may be, at a time and place to be named in such citation. In the body of the citation shall be briefly stated the nature or character of the proceedings. Notices, manner of giving.

Service. SEC. 4. The officer to whom the citation is directed shall serve it by delivering a copy to the person or persons named therein, and shall return the original to the court according to its direction, indorsing thereon the time and manner of service.

Time of service. SEC. 5. In all cases in which citations are issued from the superior court in probate and other proceedings under this act, they shall be served at least ten days before the time at which they are made returnable, except when issued from the court in cases where the law requires the judge to issue them upon his own motion, and he does so issue them; and in such cases they shall be served in sufficient time to allow the person served to be in attendance on the court.

III.

VENUE.

Venue. SEC. 6. Wills shall be proved and letters testamentary or of administration shall be granted:

1. In the county of which deceased was a resident or had his place of abode at the time of his death.

2. In the county in which he may have died, or in which any part of his estate may be, he not being a resident of the state.

3. In the county in which any part of his estate may be, he having died out of the state, and not having been a resident thereof at the time of his death.

Conflicting jurisdictions. SEC. 7. When the estate of the deceased is in more than one county, he not having been a resident of the state at the time of his death, the superior court of that county in which the application is first made for letters testamentary or of administration shall have exclusive jurisdiction of the settlement of the estate.

Retention of jurisdiction. SEC. 8. All orders, settlements, trials and other proceedings, under this act shall be had or made in the county in which letters testamentary or of administration were granted.

IV.

CUSTODY, PROOF AND PROBATE OF WILLS.

SEC. 9. Any person having the custody or control of any will shall, within thirty days after he shall have received knowledge of the death of the testator or testatrix, deliver said will to the superior court having jurisdiction, or to the person named in the will as executor or executrix; and any executor or executrix having in his custody or control any will shall within forty days after he received knowledge of the death of the testator or testatrix either present the same for probate to the court having jurisdiction, or present the same to such court with his written refusal to serve as such executor or executrix; any person who shall wilfully violate any of the provisions of this section with intent to injure or defraud any person shall be deemed guilty of a gross misdemeanor, and any person who shall without reasonable excuse violate any of the provisions of this section shall be liable to any person interested in the will for damages caused by such neglect.

Delivery
of will by
custodian.

Penalty.

SEC. 10. Applications for the probate of a will and for letters testamentary, or either, may be made to the judge of the court having jurisdiction and the court may immediately hear the proofs and either probate or reject such will as the testimony may justify. Upon such hearing the court shall make and cause to be entered a formal order, either establishing and probating such will, or refusing to establish and probate the same, and such order shall be conclusive as against all the world except in the event of a contest of such will as hereinafter provided. All testimony in support of the will shall be reduced to writing, signed by the witnesses, and certified by the judge of the court.

Application
for probate.

Order of
court.

SEC. 11. If any witness be prevented by sickness from attending at the time any will is produced for probate, or reside out of the state or more than thirty miles from the place where the will is to be proven, such court may issue a commission annexed to such will, and directed

Commission
to take
testimony of
attesting
witnesses.

to any judge, justice of the peace, notary public, or other person, empowering him to take and certify the attestation of such witness.

Proof in case of death or insanity of witness.

SEC. 12. When one of the witnesses to any such will shall be examined and the other witness or witnesses are dead, insane, or their residence be unknown, then proof shall be taken of the handwriting of the testator and of the witness dead, insane, or whose residence is unknown, and all such other circumstances as would tend to prove such will.

Proof of handwriting of testator and witnesses.

If it should appear to the satisfaction of the court that all the subscribing witnesses to any such will are dead, insane, or their residence unknown, the court shall take and receive proof of the handwriting of the testator and subscribing witnesses to the will and such other facts and circumstances as would tend to prove such will.

Filing and recording wills.

SEC. 13. All wills shall be recorded in the book kept for that purpose, within thirty days after probate, and the original wills shall be carefully filed with the clerk, but may be withdrawn on the order of the court.

Record as evidence.

SEC. 14. The record of any will made, probated and recorded as herein provided, and the exemplification of such record by the clerk in whose custody the same may be, shall be received as evidence, and shall be as effectual in all cases as the original would be if produced and proven.

V.

WILL CONTESTS.

Contests, time of filing.

SEC. 15. If any person interested in any will shall appear within six months immediately following the probate or rejection thereof, and by petition to the superior court having jurisdiction contest the validity of said will, or appear to have the will proven which has been rejected, he shall file a petition containing his objections and exceptions to said will, or to the rejection thereof. Issue shall be made up, tried and determined in said court respecting the competency of the deceased to make a last will and

Issues triable.

testament, or respecting the execution by a deceased of such last will and testament under restraint or undue influence or fraudulent representations, or for any other cause affecting the validity of such will.

If no person shall appear within the time aforesaid, the probate or rejection of such will shall be binding and final as to all the world: *Provided, however,* Every infant, person absent from the United States or of unsound mind, in whom a right to contest any will heretofore probated or rejected exists by virtue of any prior law, shall have one year from and after this act goes into effect within which to initiate such contest: *Provided further,* That this act shall not have the effect of shortening the period given by any prior law to persons other than those mentioned in the last above proviso, within which to contest any will probated or rejected prior to the going into effect of this act.

Time extended in case of disabilities.

Saving clause.

SEC. 16. Upon the filing of the petition referred to in the next preceding section, a citation shall be issued to the executors who have taken upon themselves the execution of the will, or to the administrators with the will annexed, and to all legatees named in the will residing in the state, or to their guardians if any of them are minors, or their personal representatives if any of them are dead, requiring them to appear before the court, on a day therein specified, to show cause why the petition should not be granted.

Citation on contest.

SEC. 17. In any such contest proceedings the previous order of the court probating, or refusing to probate, such will shall be *prima facie* evidence of the legality of such will, if probated, or its illegality, if rejected, and the burden of proving the illegality of such will, if probated, or the legality of such will, if rejected by the court, shall rest upon the person contesting such probate or rejection of the will.

Burden of proof.

SEC. 18. If, upon the trial of said issue, it shall be decided that the will is for any reason invalid, or that it is not sufficiently proved to have been the last will of the

Revocation of probate.

testator, the will and probate thereof shall be annulled and revoked, and thereupon and thereafter the powers of the executor or administrator with the will annexed shall cease, but such executor or administrator shall not be liable for any act done in good faith previous to such annulling or revoking.

Costs. SEC. 19. If the probate be revoked or the will annulled, assessment of costs shall be in the discretion of the court. If the will be sustained, the court may assess the costs against the contestant, which costs may in the discretion of the court include a reasonable attorney's fee.

VI.

LOST OR DESTROYED WILLS.

Taking proof. SEC. 20. Whenever any will be lost or destroyed, the superior court shall have power to take proof of the execution and validity of such will and to establish the same, notice to all persons interested having been first given. Such proof shall be reduced to writing and signed by the witnesses and filed with the clerk of court.

Necessary facts to establish loss or destruction. Record of judgment establishing will. No will shall be allowed to be proved as a lost or destroyed will unless the same shall be proved to have been in existence at the time of the death of the testator, or be shown to have been fraudulently destroyed in the lifetime of the testator, nor unless its provisions shall be clearly and distinctly proved by at least two witnesses, and when any such will shall be so established, the provisions thereof shall be distinctly stated in the judgment establishing it, and such judgment shall be recorded as wills are required to be recorded. Executors of such will or administrators with the will annexed may be appointed by the court in the same manner as is herein provided with reference to original wills presented to the court for probate.

Acting administrators restrained pending establishment. SEC. 21. If, before or during the pendency of an application to prove a lost or destroyed will, letters of administration shall have been granted on the estate of the testator, or letters testamentary of any previous will of the testator shall have been granted, the court shall have

authority to restrain the administrators or executors so appointed, from any acts or proceedings which would be injurious to the legatees or devisees claiming under the lost or destroyed will.

VII.

FOREIGN WILLS.

SEC. 22. Wills probated in any other state or territory of the United States, or in any foreign country or state, shall be admitted to probate in this state on the production of a copy of such will and of the original record of probate thereof, authenticated by the attestation of the clerk of the court in which such probation was made; or if there be no clerk, by the attestation of the judge thereof, and by the seal of such officers, if they have a seal.

Admission to probate in this state.

SEC. 23. All provisions of law relating to the carrying into effect of domestic wills after probate thereof shall, so far as applicable, apply to foreign wills admitted to probate in this state.

Carried into effect under domestic laws.

VIII.

WILLS.

SEC. 24. Every person who shall have attained the age of majority, of sound mind, may by last will devise all his or her estate, real and personal.

Who may make.

SEC. 25. Every will shall be in writing signed by the testator or the testatrix, or by some other person under his or her direction in his or her presence, and shall be attested by two or more competent witnesses, subscribing their names to the will in the presence of the testator by his direction or request: *Provided, however,* That a last will and testament, executed without this state, in the mode prescribed by law, either of the place where executed or the testator's domicile, shall be deemed to be legally executed, and shall be of the same force and effect as if executed in the mode prescribed by the laws of this state.

How executed.

Exception as to foreign wills.

Interest on devises. SEC. 26. No interest shall be allowed or calculated on any devise contained in any will unless such will expressly provide for such interest.

Testator's signature by subscribing witness. SEC. 27. Every person who shall sign the testator's or testatrix's name to any will by his or her direction shall subscribe his own name as a witness to such will and state that he subscribed the testator's name at his request.

Revocation, how effected. SEC. 28. No will in writing, except in cases herein-after mentioned, nor any part thereof, shall be revoked except by a subsequent will in writing, or by burning, canceling, tearing, or obliterating the same, by the testator or testatrix, or in his or her presence, by his or her consent or direction.

Subsequent marriage of testator. SEC. 29. If, after making any will, the testator shall marry and the wife, or husband, shall be living at the time of the death of the testator, such will shall be deemed revoked, unless provision shall have been made for such survivor by marriage settlement, or unless such survivor be provided for in the will or in such way mentioned therein as to show an intention not to make such provision, and no other evidence to rebut the presumption of revocation shall be received. A divorce, subsequent to the making of a will, shall revoke the will as to the divorced spouse.

Divorce.

Agreements to convey property not to effect revocation of will. SEC. 30. A bond, covenant, or agreement made for a valuable consideration by a testator to convey any property, devised or bequeathed in any last will previously made, shall not be deemed a revocation of such previous devise or bequest, but such property shall pass by the devise or bequest, subject to the same remedies on such bond, covenant, or agreement, for specific performance or otherwise, against devisees or legatees, as might be had by law against the heirs of the testator or his next of kin, if the same had descended to him.

Charges or encumbrances not to effect revocation. SEC. 31. A charge or encumbrance upon any real or personal estate for the purpose of securing the payment of money, or the performance of any covenant or agreement, shall not be deemed a revocation of any will relating

to the same estate, previously executed. The devises and legacies therein contained shall pass and take effect, subject to such charge or encumbrance.

SEC. 32. If any person make his last will and die leaving a child or children or descendants of such child or children not named or provided for in such will, although born after the making of such will or the death of the testator, every such testator, as to such child or children not named or provided for, shall be deemed to die intestate, and such child or children or their descendants shall be entitled to such proportion of the estate of the testator, real and personal, as if he had died intestate, and the same shall be assigned to them, and all the other heirs, devisees and legatees shall refund their proportional part.

Intestacy as to children not named.

SEC. 33. If such child or children or their descendants, shall have an equal proportion of the testator's estate bestowed on them in the testator's lifetime, by way of advancement, they shall take nothing by virtue of the provisions of the preceding section. Nothing shall be considered an advancement unless charged in writing by the decedent as an advancement, or acknowledged in writing as such by the child or other successor or heir.

Advancements.

SEC. 34. When any estate shall be devised to any child, grandchild, or other relative of the testator, and such devisee shall die before the testator, having lineal descendants, such descendants shall take the estate, real and personal, as such devisee would have done in case he had survived the testator. A spouse is not a relative under the provisions of this section.

Death of devisee before testator.

SEC. 35. If, after making any will, the testator shall duly make and execute a second will, the destruction, cancellation, or revocation of such second will shall not revive the first will unless it appears by the terms of such revocation that it was his intention to revive and give effect to the first will, or unless he shall duly republish his first will.

Revival of prior will by revocation of subsequent.

SEC. 36. No nuncupative will shall be good when the estate bequeathed exceeds the value of two hundred dollars

Nuncupative wills.

(\$200.00) unless the same be proved by two witnesses who were present at the making thereof, and it be proven that the testator, at the time of pronouncing the same, did bid some person present to bear witness that such was his will, or to that effect, and such nuncupative will was made at the time of the last sickness. Nothing herein contained shall prevent any mariner at sea or soldier in the military service from disposing of his wages or other personal property by nuncupative will. No real estate shall be devised by a nuncupative will.

Proof of
nuncupative
will.

SEC. 37. No proof shall be received of any nuncupative will unless it be offered within six months after speaking the testamentary words, nor unless the words or the substance thereof be first committed to writing, and in all cases a citation issued to the widow or next of kin of the deceased that they may contest the will if they think proper.

Devises, etc.,
to sub-
scribing
witnesses.

SEC. 38. All beneficial devises, legacies, and gifts whatever, made or given in any will to a subscribing witness thereto, shall be void unless there are two other competent witnesses to the same; but a mere charge on the estate of the testator for the payment of debts shall not prevent his creditors from being competent witnesses to his will. If such witness, to whom any beneficial devise, legacy or gift may have been made or given, would have been entitled to any share in the testator's estate in case the will is not established, then so much of the estate as would have descended or would have been distributed to such witness shall be saved to him as will not exceed the value of the devise or bequest made to him in the will; and he may recover the same from the devisees or legatees named in the will in proportion to and out of the parts devised and bequeathed to him.

Devise of
land, what
passes.

SEC. 39. Every devise of land in any will shall be construed to convey all the estate of the devisor therein which he could lawfully devise, unless it shall clearly appear by the will that he intended to convey a less estate.

SEC. 40. If any person, by last will, devise any real estate to any person for the term of such person's life, such devise vests in the devisee an estate for life, and without the remainder is specially devised, it shall revert to the heirs at law of the testator.

Estates for life.

Remainders.

SEC. 41. Any estate, rights or interest in lands acquired by the testator after the making of his or her will shall pass thereby, and in like manner as if owned at the time of making the will, if such manifestly appear by the will to have been the intention of the testator.

Passing of after-acquired estates.

SEC. 42. When any testator in his last will shall give any chattel or real estate to any person, and the same shall be taken in execution for the payment of the testator's debts, then all the other legatees, devisees and heirs shall refund their proportional part of such loss to such person from whom the bequest shall be taken.

Contribution among legatees and heirs.

SEC. 43. When any devisees, legatees or heirs shall be required to refund any part of the estate received by them, for the purpose of making up the share, devise or legacy of any other devisee, legatee or heir, the superior court, upon the petition of the person entitled to contribution or distribution of such estate, may order the same to be made and enforce such order.

Enforcement by court.

SEC. 44. The term "will," as used in this chapter, shall be so construed as to include all codicils attached to any will.

Codicils included in term "will."

SEC. 45. All courts and others concerned in the execution of last wills shall have due regard to the direction of the will, and the true intent and meaning of the testator, in all matters brought before them.

Intent of testator followed by courts.

SEC. 46. Words in this chapter contained, or in this act, which import the singular number only, may also be applied to the plural of persons and things, and words importing the masculine gender only may be extended to females also, when such construction shall be necessary.

Construction of words importing number and sex.

IX.

LETTERS TESTAMENTARY AND OF ADMINISTRATION.

Letters to
executors.

SEC. 47. After probate of any will, letters testamentary shall be granted to the persons therein appointed executors. If a part of the persons thus appointed refuse to act, or be disqualified, the letters shall be granted to the other persons appointed therein. If all such persons refuse to act, letters of administration with the will annexed shall be granted to the person to whom administration would have been granted if there had been no will.

Refusal to
serve.

Objections
to executors
named.

SEC. 48. Any person interested in a will may file objections in writing to the granting of letters testamentary to the persons named as executors, or any of them, and the objection shall be heard and determined by the court.

Community
property,
how admin-
istered.

SEC. 49. A surviving spouse shall be entitled to administer upon the community property, notwithstanding any provisions of the will to the contrary, if the court find such spouse to be otherwise qualified; but if such surviving spouse do not make application for such appointment within forty days immediately following the death of the deceased spouse, he or she shall be considered as having waived his or her right to administer upon such community property. If any person, other than the surviving spouse, make application for letters testamentary on such property, prior to the expiration of such forty days, then the court, before making any such appointment, shall require notice of such application to be given the said surviving spouse, for such time and in such manner as the court may determine, unless such applicant show to the satisfaction of the court that there is no surviving spouse or that he or she has in writing waived the right to administer upon such community property.

Minority or
absence of
executor.

SEC. 50. If the executor be a minor or absent from the state, letters of administration with the will annexed shall be granted, during the time of such minority or absence, to some other person unless there be another executor who shall accept the trust, in which case the estate

shall be administered by such other executor until the disqualification shall be removed, when such minor, having arrived at full age, or such absentee, having returned, shall be admitted as joint executor with the former.

Removal of disqualification.

SEC. 51. If after letters of administration are granted a will of the deceased be found and probate thereof be granted, the letters shall be revoked and letters testamentary or of administration with the will annexed, shall be granted.

Revocation of letters by discovery of will.

SEC. 52. The court appointing any executor or administrator shall have authority for any cause deemed sufficient, to cancel and annul such letters and appoint other executors or administrators in the place of those removed.

Annulment of letters.

SEC. 53. No executor of an executor shall, as such, be authorized to administer upon the estate of the first testator, but on the death of the sole or surviving executor of any last will, letters of administration with the will annexed, on the estate of the first testator left unadministered, shall be issued.

Effect of death of executor.

SEC. 54. When any of the executors named shall not qualify or having qualified shall become disqualified or be removed, the remaining executor or executors shall have the authority to perform every act and discharge every trust required by the will, and their acts shall be effectual for every purpose.

Powers of executor when associates are disqualified.

SEC. 55. Administrators with the will annexed shall have the same authority as the executor named in the will would have had, and their acts shall be as effectual for every purpose.

Authority of administrators with will annexed.

SEC. 56. Letters testamentary and of administration with the will annexed shall be signed by the clerk of the court, and under the seal of the court, and a copy of the will shall be attached to the letters.

Execution of letters testamentary and with will annexed.

SEC. 57. The clerk shall record, in a well-bound book kept for that purpose, all letters testamentary and of administration before they are delivered to the executors or

Record and certification of letters.

administrators, and shall certify on such letters that they have been so recorded.

Copies as evidence.

SEC. 58. Copies of such letters, or copies of the records thereof, certified by the clerk, and under the seal of the superior court, shall be received as evidence in any court in this state.

Form of letters testamentary.

SEC. 59. Letters testamentary to be issued to executors under the provisions of this chapter may be in the following form:

State of Washington, county of

In the superior court of the county of

Whereas, the last will of A B, deceased, was, on the day of, A. D.,, duly exhibited, proven, and recorded in our said superior court, a copy of which is hereto annexed; and whereas, it appears in and by said will that C D is appointed executor thereon, and, whereas, said C D has duly qualified, now, therefore, know all men by these presents, that we do hereby authorize the said C D to execute said will according to law.

Witness my hand and the seal of said court this day of, A. D. 19..

Form with will annexed.

SEC. 60. Letters of administration with the will annexed shall be in substantially the same form as provided for letters testamentary.

Persons entitled to letters of administration.

SEC. 61. Administration of the estate of the person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order:

1. The surviving husband or wife, or such person as he or she may request to have appointed.

2. The next of kin in the following order: 1, child or children; 2, father or mother; 3, brothers or sisters; 4, grandchildren.

3. One or more of the principal creditors.

4. If the persons so entitled shall neglect for more than forty days after the death of the intestate to present a petition for letters of administration, or if there be no

relatives or next of kin or they waive their right, or if there be no principal creditor or creditors, then the court may appoint any suitable person to administer such estate.

SEC. 62. Application for letters of administration shall be made by petition in writing, signed and verified by the applicant or his attorney, and filed with the court, which petition shall set forth the facts essential to giving the court jurisdiction of the case, and state, if known, the names, ages and residence of the heirs of the deceased and that the deceased died without a will.

Application
for letters.

SEC. 63. When a petition for letters of administration or for letters of administration with the will annexed shall be filed, the clerk must give notice thereof, by causing notices to be posted in at least three public places in the county, one of which must be at the place where the court is held, containing the name of the decedent, the name of the applicant and the time at which the petition will be heard. Such notice shall be given at least ten days before the time fixed for such hearing, and the clerk shall have authority to fix the time of such hearing: *Provided, however,* No notice of hearing need be given or posted if the petition be presented by or on behalf of the surviving husband or wife, and on the presentation of such petition by or on behalf of the surviving husband or wife, the court may at once make appointment and cause letters of administration to be issued: *Provided, further,* That if there be a surviving spouse and the petition is presented by anyone other than the surviving spouse prior to forty days after the death of the intestate, notice to such surviving spouse shall be given as hereinbefore provided.

Notice of
hearing.

Exception as
to petition
by surviving
spouse.

SEC. 64. At any time after the issuance of letters testamentary or of administration upon the estate of any decedent, any person interested in said estate as heir, devisee or legatee, or attorney for such heir, devisee or legatee, may serve upon the executor or administrator (or upon the attorney for such executor or administrator) and file with the clerk of the court wherein the administration of such estate is pending, a written request stating that

Special no-
tice to heirs,
legatees or
devisees.

he desires special notice of any or all of the following named matters, steps or proceedings in the administration of said estate, to-wit:

- 1. Filing of petitions for sales, leases or mortgages of any property of the estate.
- 2. Filing of accounts.
- 3. Filing of petitions for distribution.
- 4. Petitions by the executor or administrator for family allowances and homesteads.

Mode of giving notice.

Such request shall state the postoffice address of such heir, devisee or legatee, or his attorney, and thereafter a brief notice of the filing of any of such petitions or accounts, except petitions for sale of perishable property, or other personal property which will incur expense or loss by keeping, shall be addressed to such heir, devisee or legatee, or his attorney, at his stated postoffice address, and deposited in the United States postoffice, with the postage thereon prepaid, at least five days before the hearing on such petition or account; or personal service of such notices may be made on such heir, devisee or legatee, or attorney, not less than five days before such hearing, and such personal service shall be equivalent to such deposit in the postoffice, and proof of mailing or of personal service must be filed with the clerk before the hearing of such petition or account. If upon the hearing it shall appear to the satisfaction of the court that the said notice has been regularly given, the court shall so find in its order or judgment, and such judgment shall be final and conclusive.

Finding as to regularity of notice.

SEC. 65. Letters of administration shall be signed by the clerk, and be under the seal of the court, and may be substantially in the following form:

Form of letters of administration.

State of Washington, county of

Whereas, A. B., late of on or about the day of A. D., died intestate, leaving at the time of his death, property in this state subject to administration: Now, therefore, know all men by these presents, that we do hereby appoint.....

administrator upon said estate, and whereas said administrator has duly qualified, hereby authorize him to administer the same according to law.

Oath of executor or administrator.

Witness my hand and the seal of said court this day of, A. D., 19. .

SEC. 66. Before letters testamentary or of administration are issued to the executor or administrator, he must take and subscribe an oath, before some person authorized to administer oaths, that he will perform, according to law, the duties of his trust as executor or administrator, which oath must be recorded.

Bond of executor or administrator.

SEC. 67. Every person to whom letters testamentary or of administration are directed to issue must, before receiving them, execute a bond to the State of Washington, except as hereinafter provided, with such surety, or sureties, as the court may judge sufficient, which bond shall be in a sum to be fixed by the court, and which bond must be conditioned that the executor or administrator shall faithfully execute the duties of the trust according to law, and such bond shall be approved by the court. The court may at any time and for any reason require the executor or administrator to give additional bonds, the same to be conditioned and to be approved as above provided: *Provided*, The court may allow a reduction of the bond upon proper showing.

Increase or reduction of bond.

SEC. 68. Before the judge approves any bond required under this chapter, and after its approval, he may, of his own motion, or upon the motion of any person interested in the estate, supported by affidavit that the sureties, or some one or more of them, are not worth as much as they have justified to, order a citation to issue, requiring such sureties to appear before him at a designated time and place, to be examined touching their property and its value; and the judge must, at the same time, cause notice to be issued to the executor or administrator, requiring his appearance on the return of the citation, and on its return he may examine the sureties and such witnesses as may be produced touching the property of the sureties and

Citation and examination of sureties.

Costs

its value; and if upon such examination he is satisfied that the bond is insufficient he must require sufficient additional security. If the bond and sureties are found by the court to be sufficient, the costs incident to such hearing shall be taxed against the party instituting such hearing. As a part of such costs the sureties appearing shall be allowed such fees and mileage as witnesses are allowed in civil proceedings: *Provided*, That when the citation herein referred to is issued on the motion of the court, no costs shall be imposed.

Waiver of bond by will.

SEC. 69. When it is expressly provided in the will that no bonds shall be required of the executor, letters testamentary may issue and sale of real estate be made and confirmed without any bond, unless the court for good cause requires one to be executed; but the executor may at any time afterwards, if it appear from any cause necessary or proper, be required to file a bond, as in other cases.

Additional bond may be required.

SEC. 70. Any person interested may at any time by verified petition to the court, or otherwise, complain of the sufficiency of any bond or sureties thereon, and the court may upon such petition, or upon its own motion, and with or without hearing upon the matter, require the executor or administrator to give a new, or additional bond, or bonds, and in all such matters the court may act in its discretion and make such orders and citations as to it may seem right and proper in the premises.

Persons excluded as sureties.

SEC. 71. No judge of the superior court, no sheriff, clerk of a court, or deputy of either, and no attorney at law shall be taken as surety on any bond required to be taken in any proceeding in probate.

Record of bonds.

SEC. 72. The clerk shall record in a book kept for that purpose all bonds given by executors and administrators, and preserve the originals in regular file.

Defective bonds.

SEC. 73. No bond required under the provisions of this chapter, and intended as such bond, shall be void for want of form, recital or condition; nor shall the principal or surety on such account be discharged, but all the parties

thereto shall be held and bound to the full extent contemplated by the law requiring the same, to the amount specified in such bond. In all actions on such defective bond the plaintiff may state its legal effect in the same manner as though it were a perfect bond. The bond shall not be void upon the first recovery, but may be sued and recovered upon, from time to time, by any person aggrieved in his own name, until the whole penalty is exhausted.

Successive recoveries on bond.

SEC. 74. Whenever the court has reason to believe that any executor or administrator has wasted, embezzled, or mismanaged, or is about to waste, or embezzle the property of the estate committed to his charge, or has committed, or is about to commit a fraud upon the estate, or is incompetent to act, or is permanently removed from the state, or has wrongfully neglected the estate, or has neglected to perform any acts as such executor or administrator, or for any other cause or reason which to the court appears necessary, it shall have power and authority, after citation and hearing to revoke such letters. The manner of the citation and of the service of the same and of the time of hearing shall be wholly in the discretion of the court, and if the court for any such reasons revokes such letters the powers of such executor or administrator shall at once cease, and it shall be the duty of the court to immediately appoint some other executor or administrator, as in this act provided.

Revocation of letters.

Citation and hearing

SEC. 75. The applications and acts authorized by the foregoing section in this chapter may be heard and determined in court or at chambers. All orders made therein must be entered upon the minutes of the court.

Hearings in chambers authorized.

SEC. 76. If there be more than one executor or administrator of an estate, and the letters to part of them be revoked or surrendered, or a part die or in any way become disqualified, those who remain shall perform all the duties required by law.

Powers of remaining executors.

SEC. 77. If the executor or administrator of an estate shall die, resign, or the letters be revoked before the

Administrator *de bonis non*.

settlement of the estate, letters of administration of the goods remaining unadministered shall be granted to those to whom administration would have been granted if the original letters had not been obtained, or the person obtaining them had renounced administration, and the administrator *de bonis non* shall perform the like duties and incur the like liabilities as the former executors or administrators.

Accounting on death or resignation of executor or administrator.

SEC. 78. If any executor or administrator resign, or his letters be revoked, or he die, he or his representatives shall account for, pay, and deliver to his successor or to the surviving or remaining executors or administrators, all money and property of every kind, and all rights, credits, deeds, evidences of debt, and papers of every kind, of the deceased, at such time and in such manner as the court shall order on final settlement with such executor or administrator or his legal representatives.

Proceedings against delinquent executors.

SEC. 79. The succeeding administrator, or remaining executor or administrator, may proceed by law against any delinquent former executor or administrator, or his personal representatives, or the sureties of either, or against any other person possessed of any part of the estate.

Limitation on action against sureties.

SEC. 80. All actions against sureties shall be commenced within six years after the revocation or surrender of letters of administration or death of the principal.

X.

SPECIAL ADMINISTRATORS.

Appointment of special administrator.

SEC. 81. When, by reason of an action concerning the proof of a will, or from any other cause, there shall be a delay in granting letters testamentary or of administration, the judge may, in his discretion, appoint a special administrator (other than one of the parties) to collect and preserve the effects of the deceased; and in case of an appeal from the decree appointing such special administrator, he shall, nevertheless, proceed in the execution of his trust until he shall be otherwise ordered by the appellate court.

SEC. 82. Every such administrator shall, before entering on the duties of his trust, give bond, with sufficient surety or sureties, in such sum as the judge shall order, payable to the State of Washington, with condition as required of an executor or in other cases of administration.

Bond.

SEC. 83. Such special administrator shall collect all the goods, chattels, and debts of the deceased, and preserve the same for the executor or administrator who shall thereafter be appointed; and for that purpose may commence and maintain suits as an administrator, and may also sell such perishable and other goods as the court shall order sold, and make family allowances under the order of the court, and he shall be allowed such compensation for his services as the said court shall deem reasonable.

Powers and duties.

SEC. 84. Upon granting letters testamentary or of administration the power of the special administrator shall cease, and he shall forthwith deliver to the executor or administrator all the goods, chattels, money and effects of the deceased in his hands, and the executor or administrator may be admitted to prosecute any suit commenced by the special administrator, in like manner as an administrator *de bonis non* is authorized to prosecute a suit commenced by a former executor or administrator.

Succession by executor or administrator.

SEC. 85. Such special administrator shall not be liable to an action by any creditor of the deceased, and the time for limitation of all suits against the estate shall begin to run from the time of granting letters testamentary or of administration in the usual form, in like manner as if such special administration had not been granted.

Non-liability to creditors.

SEC. 86. The special administrator shall also render an account, under oath, of his proceedings, in like manner as other administrators are required to do.

Rendition of account.

XI.

QUALIFICATIONS OF EXECUTORS AND ADMINISTRATORS.

SEC. 87. The following persons are not qualified to act as executors or administrators. Corporations, non-residents of this state, minors, persons of unsound mind,

Persons disqualified.

Trust companies and national banks as executors and guardians.

or who have been convicted of any felony or of a misdemeanor involving moral turpitude: *Provided*, That trust companies regularly organized under the laws of this state and national banks when authorized so to do may act as administrators or guardians of the estate of minors or other incompetents upon petition of any person having a preference right to such appointment and may act as executors or guardians when so appointed by will. But no trust company or national bank shall be entitled to qualify as such executor or guardian under any will hereafter drawn by it, or its agents or employees, and no salaried attorney of any such company shall be allowed any attorney fee for probating any such will, or in relation to the administration or settlement of any such estate, and no part of any attorney fee shall inure, directly or indirectly, to the benefit of any trust company or national bank. And when any person to whom letters testamentary or of administration have been issued becomes disqualified to act because of leaving the state, becoming of unsound mind, or being convicted of any crime or misdemeanor involving moral turpitude, the court having jurisdiction shall revoke his or her letters: *Provided*, A person named as executor in any last will and testament may be appointed to act as such executor whether he be a resident of this state or not: *Provided further*, That such non-resident executor shall file a bond to be approved by the court and appoint an agent or attorney in the county where such estate is being probated, upon whom service of all papers may be made; such appointment to be in writing and filed by the clerk with other papers of such estate.

Non-residents as executors.

Local agent necessary for service of papers.

XII.

PARTNERSHIPS.

Inventory of deceased's partnership property.

SEC. 88. The executor or administrator of the estate of a deceased person who was a member of a co-partnership, shall include in the inventory, in a separate schedule, the whole of the property of such co-partnership; and the appraisers shall estimate the value thereof and also the

value of such deceased person's individual interest in the partnership property.

The whole of the partnership property shall be administered by such executor or administrator, unless the surviving partner shall within five days from the filing of the inventory, or such further time as the court may allow, apply for the administration thereof. If he so apply, he shall be entitled to administer the partnership property if the court find him to be qualified. If letters of administration be issued to such partner, he shall give such bond as the court may require. He shall be denominated the administrator of the partnership and shall give such notice to the partnership creditors as general administrators are required to give and shall settle the partnership estate in the same manner as is or shall be provided for the settlement of estates of deceased persons, except he shall account to the general executor or administrator for the interest of the deceased in the partnership property.

Administra-
tion by
surviving
partner.

Accounting
to general ad-
ministrator.

SEC. 89. The surviving partner, whether he be administrator or not, shall have the right at any time to petition the court to purchase the interest of such deceased in any or all of the personal property of the partnership. Upon such petition being presented it shall be the duty of the court, in such manner as it may see fit, to learn and by order to fix the value of the interest of the deceased over and above all partnership debts and obligations, in such partnership personal property, and the terms and conditions upon which such surviving partner may purchase, and thereafter such surviving partner shall have the preference right for such length of time as the court may fix, to purchase the interest of such deceased partner at the price and upon the terms and conditions fixed by the court.

Purchase of
deceased
partner's
interest by
survivor.

It shall be the duty of the court to make such orders as it may deem proper or necessary to protect the estate of the deceased against any liability for partnership debts or obligations.

Protection
of estate
against
partnership
liabilities.

Authority to survivor to operate business.

SEC. 90. The court shall have authority, in instances where it is deemed advisable, to authorize the administrator of the partnership property to continue to operate any going business pending the settlement of the partnership estate or the purchase by the surviving partner of the interest of the deceased partner.

Administration where survivor does not act.

SEC. 91. In case the surviving partner is not appointed administrator of the partnership property, the administration thereof shall devolve upon the executor or administrator and the court shall have power to require the surviving partner to deliver the partnership property and evidences thereof to the administrator or executor.

XIII.

SETTLEMENT OF ESTATES WITHOUT ADMINISTRATION.

Settlement without court intervention.

SEC. 92. In all cases where it is provided in the last will and testament of the deceased that the estate shall be settled in a manner provided in such last will and testament, and that such estate shall be settled without the intervention of any court or courts, and where it duly appears to the court, by the inventory filed, and other proof, that the estate is fully solvent, which fact may be established by an order of the court on the filing of the inventory, it shall not be necessary to take out letters testamentary or of administration, except to admit the will to probate and to file a true inventory of all the property of such estate and give notice to creditors and to the state board or person having charge of the collection of inheritance tax, in the manner required by existing laws. After the probate of any such will and the filing of such inventory all such estates may be managed and settled without the intervention of the court, if the last will and testament shall so provide. But when the estate is ready to be closed the court, upon application, shall have authority and it shall be its duty, to make and cause to be entered a decree finding and adjudging that all debts have been paid, finding and adjudging also the heirs and those entitled to take under the will and distributing the property to the persons

Order of distribution by court.

entitled to the same, such decree to be made after notice given as provided for like decrees in the estates of persons dying intestate: *Provided, however,* In all cases, if the party named in such will as executor shall decline to execute the trust or shall die or be otherwise disabled for any cause from acting as such executor, then letters testamentary or of administration shall issue and the estate be settled as in other cases: *And provided further,* If the person named in the will shall fail to execute the trust faithfully and to take care and promote the interest of all parties, then, upon petition of a creditor of such estate, or of any of the heirs, or of any person on behalf of any minor heir, it shall be the duty of the court to cite such person having the management of such estate to appear before such court, and if, upon hearing of such petition it shall appear that the trust in such will is not faithfully discharged, and that the parties interested, or any of them have been or are about to be damaged by such actual doings of the executor, then, in the discretion of the court, administration may be had and required as is now required in the administration of estates, and in all such cases the costs of the citation and hearing shall be charged against the party failing and neglecting to execute the trust as required in such will.

Refusal or disqualification of executor named.

Mismanagement by executor named.

SEC. 93. Executors acting under wills such as are mentioned in the last preceding section shall have power, after the filing of an inventory of the estate, if the said estate has been adjudged solvent, to mortgage, lease, sell and convey the real and personal property of the testator without an order of the court for that purpose and without notice, approval or confirmation, and in all other respects administer and settle the estate without the intervention of the court.

Powers of non-intervention executors.

SEC. 94. Every executor or administrator shall, after having qualified, by giving bond as hereinbefore provided, have a right to the immediate possession of all the real as well as personal estate of the deceased, and may receive the rents and profits of the real estate until the estate shall

Right to possession and management.

be settled or delivered over, by order of the court, to the heirs or devisees, and shall keep in tenantable repair all houses, buildings and fixtures thereon, which are under his control.

XIV.

THE INVENTORY AND EFFECTS OF DECEASED PERSONS.

Inventory of estate.

SEC. 95. Every executor or administrator shall make and return, upon oath, into the court, within one month after his appointment, a true inventory of all of the property of the estate which shall have come into his hands, and within thirty days after filing such inventory he shall make application to the court to appoint three disinterested persons to appraise the property so inventoried, and it shall be the duty of the court to appoint such appraisers. Such appraisers shall receive as compensation for their services each the sum of three dollars (\$3.00) per day and mileage. If any part of the estate shall be in another county than that in which letters are issued, appraisers residing in such county may be appointed by the court having jurisdiction of the case, or, if most advisable, the same appraisers may act: *Provided*, That the court may appoint persons to appraise the estate at the time, or any time after the appointment of the administrator.

Appointment of appraisers.

Oath and duties of appraisers.

SEC. 96. Before proceeding to the discharge of their duties the appraisers shall take and subscribe an oath, before any officer authorized to administer oaths, to be attached to the inventory, that they will honestly and impartially appraise the property which shall be exhibited to them, according to the best of their knowledge and ability; they shall proceed to estimate and appraise the property, and set down each article separately, with the value thereof in dollars and cents, in figures, opposite the respective articles: *Provided, however*, Household articles need not be separately mentioned. The inventory shall contain all the estate of the deceased, real and personal, a statement of all credits, partnership and other interests, bonds, mortgages, notes, moneys, and other securities for the payment of money belonging to the deceased, specifying the name of

the debtor in each security, the date, the sum originally payable, the indorsements thereon, if any, and their dates, and the sum which, in the judgment of the appraisers, may be collectible on each debt, interest or security.

SEC. 97. The naming of any person as executor in a will, or the appointment of any person as administrator, shall not operate as a discharge from any just claim which the testator or intestate had against the executor or administrator, but the claim shall be included in the inventory and the executor and administrator shall be liable to the same extent as he would have been had he not been appointed executor or administrator.

Claims against personal representatives not discharged by appointment.

SEC. 98. The discharge or bequest in a will of any debt or demand of the testator against any executor named in his will or against any person shall not be valid against the creditors of the deceased, but shall be construed as a specific bequest of such debt or demand, and the amount thereof shall be included in the inventory, and shall, if necessary, be applied in payment of his debts; if not necessary for that purpose, it shall be paid in the same manner and proportions as other specific legacies.

Discharge of testator's debt construed as specific bequest.

SEC. 99. If any executor or administrator shall neglect or refuse to return the inventory within the period prescribed, or within such further time, not exceeding three months, as the court may allow, the court may revoke the letters testamentary or of administration; and the executor or administrator shall be liable on his bond to any party interested for the injury sustained by the estate through his neglect.

Failure to return inventory ground for revoking letters.

SEC. 100. Whenever property not mentioned in any inventory shall come to the knowledge and possession of the executor or administrator, he shall cause the same to be appraised in the manner prescribed in this act, and an additional inventory to be returned, subscribed and sworn to as is provided in this act, as soon as practicable after the discovery thereof, and the making of such inventory may be enforced, after notice, by attachment to which may be added the revocation of the letters.

Additional inventory on discovery of further assets.

Liability for
embezzlement
prior
to letters.

SEC. 101. If any person, before the granting of letters testamentary or of administration, shall embezzle or alienate any of the moneys, goods, chattels, or effects of any deceased person, he shall stand chargeable, and be liable to the executor or administrator of the estate, in the value of the property so embezzled or alienated, together with any damage occasioned thereby, to be recovered for the benefit of the estate.

Proceedings
for discovery
of concealed
or embezzled
property.

SEC. 102. The court shall have authority to bring before it any person or persons suspected of having in his possession or having concealed, embezzled, conveyed or disposed of any of the property of the estate, or who has in his possession or within his knowledge any conveyances, bonds, contracts, or other writings which contain evidence of or may tend to establish the right, title, interest or claim of the deceased in and to any property. If such person be not in the county in which the letters were granted, he may be cited and examined either before the court of the county where found or before the court issuing the order of citation, and if he be found innocent of the charges he shall be entitled to recover costs of the estate, which costs shall be fees and mileage of witnesses, statutory attorneys fees, and such per diem and mileage for the person so charged as allowed to witnesses in civil proceedings. Such party may be brought before the court by means of citation such as the court may choose to issue, and if he refuse to answer such interrogatories as may be put to him touching such matters, the court may commit him to the county jail, there to remain until he shall be willing to make such answers.

XV.

PROVISIONS FOR THE SUPPORT OF THE FAMILY.

Provisions in
lieu of home-
stead and
exemptions.

SEC. 103. If it shall be made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, upon such notice as may be determined by the court, upon being satisfied that the funeral expenses,

expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of three thousand dollars (\$3,000.00), exclusive of any mortgage or mechanic's, laborer's or materialmen's or vendor's liens upon the property so set off, which property so set off shall include the home and household goods, if any, and such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates. The order or judgment of the court making the award or awards provided for in this section shall be conclusive and final, except on appeal and except for fraud. The awards in this section provided shall be in lieu of all homestead provisions of the law and of exemptions.

SEC. 104. In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead result in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed two thousand dollars (\$2,000.00), exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, to enter a decree, upon such notice as the court may determine, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor. In addition thereto, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, shall set off and award to such survivor, other property, either separate or community, not to exceed one thousand dollars (\$1,000.00) in value, exclusive of all such liens. If the value of the homestead, exclusive of all such liens, be less than two thousand dollars (\$2,000.00), the court shall set off and award additional property, either separate or com-

Homestead,
when
awarded.

Provision ad-
ditional to
homestead.

munity, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens, when added to the value of the other property awarded, exclusive of all such liens, shall equal three thousand dollars (\$3,000.00). Said decree shall particularly describe the said homestead and other property so awarded, and such homestead and other property so awarded shall not be subject to further administration, and such decree shall be conclusive and final, except on appeal, and except for fraud, and such awards shall be in lieu of all further homestead rights and of all exemptions: *Provided*, That the awards in this and the next preceding section provided for, shall not be taken from separate property of the deceased, which is otherwise disposed of by will, where there is no minor child living as the issue of the surviving spouse and the deceased.

Awards from separate property, when barred.

SEC. 105. If there be no surviving spouse, the court shall award and set aside to the minor child or children, if any, and in such proportions as he considers proper, property of the estate as the court may consider necessary for the care and support of said minor or minors until they become of legal age, not exceeding in value the sum of three thousand dollars (\$3,000.00).

Provision for minor children.

SEC. 106. In addition to the awards herein provided for, the court may make such further reasonable allowance of cash out of the estate as may be necessary for the maintenance of the family according to their circumstances, during the progress of the settlement of the estate, and any such allowance shall be paid by the executor or administrator in preference to all other charges, except funeral charges, expenses of last sickness and expenses of administration.

Further allowance for maintenance.

XVI.

CLAIMS AGAINST ESTATE.

SEC. 107. Every executor or administrator shall, immediately after his appointment, cause to be published in some newspaper printed in the county, if there be one, if not, then in such newspaper as may be designated by the

Notice to creditors.

court, a notice that he has been appointed and has qualified as such executor or administrator, and therewith a notice to the creditors of the deceased, requiring all persons having claims against the deceased to serve the same on the executor or administrator or his attorney of record, and file with the clerk of the court, together with proof of such service, within six months after the date of the first publication of such notice. Such notice shall be published not less than once in each week for three successive weeks, or for such further time as the court may direct. If a claim be not filed within the time aforesaid, it shall be barred. Proof by affidavit of the publisher of the publication of such notice shall be filed with the court: *Provided, however,* In cases where all the property is awarded to the widow, husband or children as in this act provided, the notice to creditors herein provided for may be omitted.

Limitation
on time of
filing claims.

When notice
may be
omitted.

SEC. 108. Every claim served and filed as above provided shall be supported by the affidavit of the claimant that the amount is justly due, that no payments have been made thereon, and that there are no offsets to the same to the knowledge of the claimant.

Affidavit of
claimant.

SEC. 109. When a claim, accompanied by the affidavit required in the preceding section has been served and filed, it shall be the duty of the executor or administrator to endorse thereon his allowance or rejection, with the day and date thereof. If he allow the claim, it shall be presented to the judge of the court, who shall in the same manner indorse on it his allowance or rejection. If the executor or administrator reject the claim in whole or in part, he shall notify the claimant forthwith of said rejection and file in the office of the clerk an affidavit showing such notification and the date thereof. Such notification shall be by personal service or registered mail.

Allowance
and rejection
of claims.

If the executor or administrator shall neglect for the period of sixty days after service upon him or his attorney to act upon any such claim, the claimant may take the matter up before the court and the court may require

Failure to
act on
claims.

the executor or administrator to act on such claim and in its discretion may impose costs and attorney's fees.

Effect of allowance of claim.

SEC. 110. Every claim which has been allowed by the executor or the administrator and the said judge, shall be ranked among the acknowledged debts of the estate to be paid in the course of administration.

Judge as creditor of estate.

SEC. 111. Any judge of a court may present a claim against the estate of any decedent for allowance; and if the executor or administrator allows such claim, he shall, in writing, designate some other judge of the superior court, who shall have the same power to allow or reject it as he would have, had letters issued in his court; and the claimant shall have, in the event of his claim being rejected, all the rights incident to any other creditor against the estate.

Suit on rejected claims.

SEC. 112. When a claim is rejected by either the executor, administrator, or the court, the holder must bring suit in the proper court against the executor or administrator within thirty days after notification of the rejection, otherwise the claim shall be forever barred.

No allowance of outlawed claims.

SEC. 113. No claim shall be allowed by the executor, administrator, or court which is barred by the statute of limitations.

Necessity of presentation of claims.

SEC. 114. No holder of any claim against an estate shall maintain an action thereon, unless the claim shall have been first presented as herein provided.

When bar of statute not to run.

SEC. 115. The time during which there shall be a vacancy in the administration shall not be included in any limitations herein prescribed.

Actions pending at death.

SEC. 116. If any action be pending against the testator or intestate at the time of his death, the plaintiff shall within ninety days after first publication of notice to creditors, serve on the executor or administrator a motion to have such executor or administrator, as such, substituted as defendant in such action, and, upon the hearing of such motion, such executor or administrator shall be so substituted, unless, at or prior to such hearing, the claim of plaintiff, together with costs, be allowed by the executor

Substitution of executor or administrator.

or administrator and the court. After the substitution of such executor or administrator, the court shall proceed to hear and determine the action as in other civil cases.

SEC. 117. Whenever any claim shall have been filed and presented to an executor or administrator and the court, and a part thereof shall be allowed, the amount of such allowance shall be stated in the indorsement. If the creditor shall refuse to accept the amount so allowed in satisfaction of his claim, he shall recover no costs in any action he may bring against the executor or administrator, unless he shall recover a greater amount than that offered to be allowed, exclusive of interest and costs.

Partial allowance of claim.

SEC. 118. The effect of any judgment rendered against any executor or administrator shall be only to establish the amount of the judgment as an allowed claim.

Effect of judgment against executor.

SEC. 119. When any judgment has been rendered against the testator or intestate in his lifetime, no execution shall issue thereon after his death, but it shall be presented to the executor or administrator, as any other claim, but need not be supported by the affidavit of the claimant, and if justly due and unsatisfied, shall be paid in due course of administration: *Provided, however,* That if it be a lien on any property of the deceased, the same may be sold for the satisfaction thereof, and the officer making the sale shall account to the executor or administrator for any surplus in his hands.

Judgment against decedent to be presented as claim.

Sales in case of lien.

SEC. 120. If the executor or administrator is himself a creditor of the testator or intestate, his claim, duly authenticated by affidavit, shall be filed and presented for allowance or rejection to the judge of the court, and its allowance by the judge shall be sufficient evidence of its correctness. This section shall apply to non-intervention and all other wills.

Claims of personal representatives.

SEC. 121. In case of resignation or removal for any cause of any executor or administrator, and the appointment of another or others, after notice has been given by publication as required by law, by such executor or admin-

Notice of resignation or removal of executor or administrator.

istrator first appointed, to persons to file their claims against the estate, it shall be the duty of the judge of the court to cause notice of such resignation or removal and such new appointment to be published two successive weeks in the same newspaper in which the original notice was published, if the publication of such paper is at the time continued, and if not, then in some other newspaper published in the county, or if there be no newspaper published in such county, then in a newspaper published in the state and of general circulation in the county, but the time between the resignation or removal and such publication shall be deducted from the time within which claims shall be filed unless such time shall have expired before such resignation or removal.

Deduction of
time for
filing claims.

XVII.

SALES AND MORTGAGES BY EXECUTORS AND ADMINISTRATORS

SEC. 122. The court may order real or personal property sold or mortgaged for the purposes hereinafter mentioned but no sale or mortgage of any property of an estate shall be made except under an order of the court, unless otherwise provided by law.

Authority
for sale or
mortgage.

SEC. 123. The court may at any time order any personal property of the estate sold for the preservation of such property or for the payment of the debts of the estate or the expenses of administration or for the purpose of discharging any obligation of the estate or for any other reason which may to the court seem right and proper, and such order may be made either upon or without petition therefor, and such sales may be either at public auction or private sale and with or without notice of such sale, as the court may determine, and upon such terms and conditions as the court may decide upon. No notice of petition for sale of any personal property need be given, except as provided in section 64 hereof, unless the court expressly orders such notice.

Sales of
personal
property.

Mortgage or
pledge of
personalty.

Where personal property is sold prior to appraisal, the sale price shall be deemed the value for ap-

praisal. Personal property may be mortgaged or pledged for the same reasons and purposes, and in the same manner as is hereinafter provided for real property.

SEC. 124. Whenever it shall appear to the satisfaction of the court that any portion or all of the real property should be sold or mortgaged for the purpose of raising money to pay the debts and obligations of the estate, the expenses of administration, inheritance tax or for the support of the family, the court may order the sale or mortgage of such portion of the real property as appears to the court necessary for the purpose aforesaid. It shall be the duty of the executor or administrator to present a petition to the court giving a description of all the property of the estate and its character, the amount of the debts, expenses and obligations of the estate and such other things as will tend to assist the court in determining the necessity for the sale or mortgage and the amount thereof. Unless the court shall by order expressly so provide, no notice of the hearing of such petition for sale or mortgage need be given, except as provided in section 64 hereof; if, however, the court should order notice of such hearing, it shall determine upon the kind, character and time thereof. At the hearing of such petition the court may have brought before it such testimony or information as it may see fit to receive, for the purpose of determining whether it should order any of the property of the estate sold or mortgaged. The absence of any allegation in the petition shall not deprive the court of jurisdiction to order said sale or mortgage, and the court may, if it see fit, order such sale or mortgage or both without any petition having been previously presented.

Sale or mortgage of realty.

Petition.

Notice of hearing.

Hearing.

Petition not essential.

SEC. 125. If the court should determine that it is necessary or proper, for any of the said purposes, to mortgage any or all of said property, it may make an order directing the executor or administrator to mortgage such thereof as it may determine upon, and such order shall contain the terms and conditions of such transaction

Order directing mortgage.

and authorize the executor or administrator to execute and deliver his note or notes and secure the same by mortgage, and thereafter it shall be the duty of such executor or administrator to comply with such order. The executor or administrator shall not deliver any such note, mortgage or other evidence of indebtedness until he has first presented same to the court and obtained its approval of the form. Every mortgage so made and approved shall be effectual to mortgage and encumber all the right, title and interest of the said estate in the property described therein at the time of the death of the said decedent, or acquired by his estate, and no irregularity in the proceedings shall impair or invalidate any mortgage given under such order of the court and approved by it.

Mortgage not impaired by irregularities.

Order directing sale.

SEC. 126. If the court should determine that it is necessary to sell any or all of the real estate for the purposes mentioned in this act, then it may make and cause to be entered an order directing the executor or administrator to sell so much of the real estate as the court may determine necessary for the purposes aforesaid. Such order shall give a particular description of the property to be sold and the terms of such sale and shall provide whether such property shall be sold at public or private sale. The court shall order sold that part of the real estate which is generally devised, rather than any part which may have been specifically devised, but the court may, if it appears necessary, sell any or all of the real estate so devised. After the giving of such order it shall be the duty of the administrator or executor to sell such real estate in accordance with the order of the court and as in this act provided with reference to the public or private sales of real estate.

Sales of realty at public auction.

SEC. 127. When real property is directed to be sold at public auction, notice of the time and place of such sale shall be posted in not less than three public places in the county where the property or some part thereof is situated, at least twenty days before the day of sale, and such notice shall be published in some newspaper published

in said county, if there be one, and if none, then in such newspaper or newspapers as the court may by order direct, once a week for three successive weeks before such sale, in which notices the property ordered sold shall be described with proper certainty. At the time and place named in such notices for the said sale, the executor or administrator shall proceed to sell the property upon the terms and conditions ordered by the court, and to the highest and best bidder. All sales of real estate at public auction shall be made at the front door of the court house of the county in which the lands are, unless the court shall by order otherwise direct.

Notice.

Place of sale.

SEC. 128. The executor or administrator, should he deem it for the best interests of all concerned, may postpone such sale to a time fixed but not to exceed twenty days, and such postponement shall be made by proclamation of the executor or administrator at the time and place first appointed for the sale; if there be an adjournment of such sale for more than three days, then it shall be the duty of the executor or administrator to cause written notice of such adjournment to be posted at the place of posting the original notices of sale in addition to making such proclamation.

Postponement of sale.

Notice.

SEC. 129. When a sale of real property is ordered to be made at private sale, notice of the same must be posted in three public places in the county in which the property or part thereof is situated, and published in a newspaper, if there be one printed in the same county; if none, then in such newspaper as the court may direct; such notice to be posted at least two weeks and be published once a week for at least two successive weeks before the day on or after which the sale is to be made, in which the lands and tenements to be sold must be described with common certainty. The notice must state the day on or after which the sale will be made and the place where offers or bids will be received. The day last referred to must be at least fifteen days from the first publication of notice and the sale must not be made before that day,

Private sale of realty.

Notice.

Written bids
required.

but must be made within six months thereafter. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court to which the return of sale must be made, at any time after the first publication of the notice and before the making of the sale. If it be shown that it will be for the best interest of the estate the court or judge may, by an order, shorten the time of notice, which shall not, however, be less than one week, and may provide that the sale may be made on or after a day less than fifteen, but not less than eight days from the first publication of the notice of sale, and the sale may be made to correspond with such order.

Shortening
time of
notice.

Sale must
bring 90% of
appraised
value.

SEC. 130. No sale of real estate at private sale shall be confirmed by the court unless the sum offered is at least ninety per cent of the appraised value thereof, nor unless such real estate shall have been appraised within one year immediately prior to such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, appraisers may be appointed, and they must make an appraisement thereof in the same manner as in the case of the original appraisement of the estate, and which appraisement may be made at any time before the sale or the confirmation thereof.

Reappraise-
ments.

Return of
sale.

SEC. 131. The executor or administrator making any sale of real estate, either at public or private sale, shall within ten days after making such sale file with the clerk of the court his return of such sale, the same being duly verified. At any time after the expiration of ten days from the filing of such return the court may without notice approve and confirm such sale and direct proper instruments of transfer to be executed and delivered. But if the court shall be of the opinion that the proceedings were unfair, or that the sum obtained was disproportionate to the value of the property sold, or if made at private sale that it did not sell for at least ninety per cent of the appraised value as in the preceding section

Approval or
disapproval
by court.

provided, and that a sum exceeding said bid by at least ten per cent exclusive of the expense of a new sale, may be obtained, the court may refuse to approve or confirm such sale and may order a resale. On a resale, notice shall be given and the sale shall be conducted in all respects as though no previous sale had been made.

Order for resale.

SEC. 132. If, at any time before confirmation of any such sale, any person shall present to the court or file with the clerk of the court a bid on such property for an amount equal to ten per cent higher than the bid upon which sale was made by the executor or administrator, and shall deposit with the court or the clerk not less than twenty per cent of such bid, the same to be forfeited to the estate unless such bidder shall comply with his bid, then it shall be the duty of the court to cause the former successful bidder to be informed of such increased bid and to give such former successful bidder an opportunity to raise his bid higher than the bid of said subsequent bidder, and if such former successful bidder fails within the time fixed by the court to raise his bid as aforesaid, the property may be sold to such subsequent bidder, or if such first successful bidder should raise his bid as herein provided then the property may be sold to him.

Offer of increased bid.

Duty of court.

SEC. 133. Upon the confirmation of any such sale the court shall direct the executor or administrator to make, execute and deliver instruments conveying the title to the person to whom such property may be sold, and such instruments of conveyance shall be deemed to convey all the estate, rights and interests of the testator or intestate at the death of the deceased, and any interest acquired by the estate.

Order for conveyance.

SEC. 134. No petition or allegation thereof for the sale of real estate shall be considered jurisdictional, and confirmation by the court of any sale shall be absolutely conclusive as to the regularity of all proceedings leading up to and including such sale, and no instrument of conveyance of real estate made after confirmation of sale by the court shall be open to attack upon any grounds what-

Confirmation conclusive as to regularity of proceedings.

soever except for fraud, and the confirmation by the court of any such sale shall be conclusive proof that all statutory provisions and all orders of the court with reference to such sale have been complied with.

Sale or mortgage of realty to pay legacy.

SEC. 135. When a testator shall have given any legacy by will that is effectual to charge real estate, and his goods, chattels, rights and credits shall be insufficient to pay such legacy, together with the debts and charges of administration, the executor or administrator, with the will annexed, may obtain an order to sell or mortgage his real estate for that purpose in the same manner and upon the same terms and conditions as prescribed in this chapter in case of a sale or mortgage for the payments of the debts.

Insufficiency of estate to pay debts.

SEC. 136. If the provision made by the will or the estate appropriated be not sufficient to pay the debts and expenses of administration and family expenses, such part of the estate as shall not have been disposed of by the will, if any, shall be appropriated for that purpose, according to the provisions of this chapter.

Liability of devisees and legacies for debts.

SEC. 137. The estate, real and personal, given by the will to any legatees or devisees, shall be held liable for the payment of the debts, the expenses of administration and allowances to the family, in proportion to the value or amount of the several devises or legacies, if there shall not be other sufficient estate, except that specific devises or legacies may be exempted, if it appear to the court necessary to carry into effect the intention of the testator.

Contribution among devisees and legatees.

SEC. 138. When the estate given by any will has been sold for the payment of debts and expenses, all the devisees and legatees shall be liable to contribute, according to their respective interests, to any devisee or legatee from whom the estate devised to him may be taken for the payments of the debts or expenses; and the court, when distribution is made, shall by decree for that purpose, settle the amount of the several liabilities and decree how much each person shall contribute.

SEC. 139. If the deceased person at the time of his death was possessed of a contract for the purchase of lands, his interest in such lands under such contract may be sold on the application of his executor or administrator in the same manner as if he died seized of such lands; and the same proceedings may be had for that purpose as are prescribed in this act in respect to lands of which he died seized, except as hereinafter provided.

Sale of decedent's contract interest in lands.

SEC. 140. Such sale shall be made subject to all payments that may thereafter become due on such contract, and if there be any such payments thereafter to become due such sale shall not be confirmed by the court until the purchaser shall have executed a bond to the executor or administrator for his benefit and indemnity, and for the benefit and indemnity of the persons entitled to the interest of the deceased in lands so contracted for, in double the whole amount of the payments thereafter to become due on such contract, with such sureties as the court shall approve.

Purchaser's bond to secure payments coming due.

SEC. 141. Such bond shall be conditioned that the purchaser will make all payments for such land as shall become due after the date of such sale, and will fully indemnify the executor or administrator and the person so entitled against all demands, costs and charges and expenses, by reason of any covenant or agreement contained in such contract; but if there be no payments thereafter to become due on such contract, no bond shall be required of the purchaser.

Conditions of bond.

SEC. 142. Upon the confirmation of such sale, the executor or administrator shall execute to the purchaser an assignment of the contract, which assignment shall vest in the purchaser, his heirs and assigns, all the right, title and interest of the persons entitled to the interest of the deceased in the land sold at the time of the sale, and such purchaser shall have the same rights and remedies against the vendor of such lands as the deceased would have had if living.

Assignment of decedent's contract.

Redemption
of decedent's
mortgaged
estate.

SEC. 143. If any person die having mortgaged any real or personal estate, and shall not have devised the same, or provided for any redemption thereof by will, the court, upon the application of any person interested, may order the executor or administrator to redeem the estate out of the assets, if it should appear to the satisfaction of the court that such redemption would be beneficial to the estate and not injurious to creditors.

Sale or
mortgage
of other
property
to effect
redemption.

SEC. 144. If it shall be made to appear to the satisfaction of the court that it will be to the interest of the estate of any deceased person to sell or mortgage other personal estate or to sell or mortgage other real estate of the decedent than that mortgaged by him to redeem the property so mortgaged, the court may order the sale or mortgaging of any personal estate, or the sale or mortgaging of any real estate of the decedent which it may deem expedient to be sold or mortgaged for such purpose, which sale or mortgaging shall be conducted in all respects as other sales or mortgages of like property ordered by the court.

Sale of
mortgaged
property, if
redemption
inexpedient.

SEC. 145. If such redemption be not deemed expedient, the court shall order such property to be sold at public or private sale, which sale shall be with the same notice and conducted in the same manner as required in other cases of real estate or personal property provided for in this act, and shall be sold subject to such mortgage, and the executor or administrator shall thereupon execute a conveyance thereof to the purchaser, which conveyance shall be effectual to convey to the purchaser all the right, title, and interest which the deceased had in the property, and the purchase money, after paying the expenses of the sale, shall be applied to the residue in due course of administration.

Sales
directed
by will.

SEC. 146. When property is directed by will to be sold, or authority is given in the will to sell property, the executor may sell any property of the estate without the order of the court, and without any notice, and it shall not be necessary under such circumstances to make any

application to the court with reference to such sales or have the same confirmed by the court.

XVIII.

POWERS AND DUTIES OF EXECUTORS AND ADMINISTRATORS.

SEC. 147. It shall be the duty of every executor or administrator to settle the estate in his hands as rapidly and as quickly as possible, without sacrifice to the estate. He shall collect all debts due the deceased and pay all debts as hereinafter provided. He shall be authorized in his own name to maintain and prosecute such actions as pertain to the management and settlement of the estate, and may institute suit to collect any debts due the estate or to recover any property, real or personal, or for trespass of any kind or character.

Powers and duties.

SEC. 148. Actions for the recovery of any property or for the possession thereof, and all actions founded upon contracts, may be maintained by and against executors and administrators in all cases in which the same might have been maintained by and against their respective testators or intestates.

Actions for recovery of property and on contract.

SEC. 149. Executors and administrators may maintain actions against any person who shall have wasted, destroyed, taken, carried away, or converted to his own use the goods of their testator or intestate in his lifetime; also may maintain actions for trespass committed on the estate of the deceased during his lifetime.

Waste, conversion and trespass.

SEC. 150. Any person, or his personal representatives, shall have an action against the executor or administrator of any estate or intestate who in his lifetime shall have wasted, destroyed, taken, or carried away, or converted to his own use, the goods and chattels of any such person, or committed any trespass on the real estate of such person.

Actions on torts of decedent.

SEC. 151. Any administrator may in his own name, for the benefit of all parties interested in the estate, main-

Actions on bonds of prior executor or administrator.

tain actions on the bond of an executor or of any former administrator of the same estate.

Compromise
of claims.

SEC. 152. The court shall have power to authorize the executor or administrator to compromise and compound any claim owing the estate.

Recovery of
decedent's
fraudulent
conveyances.

SEC. 153. When there shall be a deficiency of assets in the hands of an executor or administrator, and when the deceased shall in his lifetime have conveyed any real estate, or any rights, or interest therein, with intent to defraud his creditors or to avoid any right, duty or debt of any person, or shall have so conveyed such estate, which deeds or conveyances by law are void as against creditors the executor or administrator may, and it shall be his duty to, commence and prosecute to final judgment any proper action for the recovery of the same, and may recover for the benefit of the creditors all such real estate so fraudulently conveyed, and may also, for the benefit of the creditors, sue and recover all goods, chattels, rights and credits which may have been so fraudulently conveyed by the deceased in his lifetime, whatever may have been the manner of such fraudulent conveyance.

XIX.

ACCOUNTS OF EXECUTORS AND ADMINISTRATORS AND PAYMENT OF DEBTS.

Promise
to pay
decedent's
debts, when
binding on
executor.

SEC. 154. No executor or administrator shall be chargeable upon any special promise to answer damages, or to pay the debts of the testator or intestate out of his own estate, unless the agreement for that purpose, or some memorandum or note thereof, is in writing and signed by such executor or administrator, or by some other person by him thereunto specially authorized.

Chargeable
with whole
estate.

SEC. 155. Every executor and administrator shall be chargeable in his accounts with the whole estate of the deceased which may come into his possession. He shall not be responsible for loss or decrease or destruction of any of the property or effects of the estate, without his fault.

SEC. 156. He shall be allowed all necessary expenses in the care, management and settlement of the estate.

Allowance of expenses.

SEC. 157. No executor or administrator shall be accountable for any debts due the estate, if it shall appear that they remain uncollected without his fault. No executor or administrator shall purchase any claim against the estate he represents, but however the executor or administrator may make application to the court for permission to purchase certain claims, and if it appears to the court to be for the benefit of the estate that such purchase shall be made, the court may make an order allowing such claims and directing that the same may be purchased by the executor or administrator under such terms as the court shall order, and such claims shall thereafter be paid as are other claims, but the executor or administrator shall not profit thereby.

Uncollectible debts of estate.

Purchase by executor of claims against estate.

SEC. 158. Where no compensation shall have been provided by will, or the executor shall renounce his claim thereto, he shall be allowed such compensation as to the court shall seem just and reasonable, based on the services rendered; and the like compensation shall be allowed to administrators. In all cases where it is necessary for such executor or administrator to employ an attorney, such attorney shall be allowed such compensation as to the court shall seem just and reasonable.

Compensation of executor, administrator and attorney.

SEC. 159. Within thirty days after the expiration of the time for filing of claims of creditors, the executor or administrator shall make, verify by his oath, and file with the clerk of the court a report of the affairs of the estate. Such report shall contain a statement of the claims filed and allowed and all those rejected, and if it be necessary to sell or mortgage any property for the purpose of paying debts or settling any obligations against the estate or expenses of administration or allowance to the family, he may in such report set out the facts showing such necessity and ask for such sale or mortgage; such report shall likewise state the amount of property, real and personal, which has come into his

Reports of executors and administrators.

hands, and give a detailed statement of all sums collected by him, and of all sums paid out, and it shall state such other things and matters as may be proper or necessary to give the court full information regarding any transactions by him done or which should be done. Such executor or administrator may, however, make, verify, and file, prior to the expiration of the time for the presentation of claims, any reports which in his judgment would be proper or which the court may order to be made.

Notice of hearing.

SEC. 160. It shall not be necessary for the executor or administrator to give any notice of the hearing of any report prior to the final report, except as in section 64 provided, but the court may require notice of the hearing of any such report. If the court does not require such notice to be given, then at any time after ten days following the filing of any report, other than the final report, the court may hear and settle such report.

Settlement by court.

Final report and petition for distribution.

SEC. 161. When the estate shall be ready to be closed, such executor or administrator shall make, verify and file with the court his final report and petition for distribution. Such final report and petition shall, among other things, show that the estate is ready to be settled, and shall show any moneys collected since the previous report, and any property which may have come into the hands of the executor or administrator since his previous report, and debts paid, and generally the condition of the estate at that time. It shall likewise set out the names and addresses, as nearly as may be, of all the legatees and devisees in the event there shall have been a will, and the names and addresses, as nearly as may be, of all the heirs who may be entitled to share in such estate, and shall give a particular description of all the property of the estate remaining undisposed of, and shall set out such other matters as may tend to inform the court of the condition of the estate, and it may ask the court for a settlement of the estate and distribution of property and the discharge of the executor or administrator. If the executor or administrator has been discharged without hav-

ing legally closed the estate, without having legally obtained an adjudication as to the heirs, or without having legally procured a decree of distribution or final settlement the court may in its discretion upon petition of any person interested, cause all such steps to be taken in such estate as were omitted or defective.

SEC. 162. When such final report and petition for distribution, or either, shall have been filed, the court shall fix a day for the hearing of the same, which day must be at least twenty-five days subsequent to the day of the first publication and posting of notices of such hearing as hereinafter provided. Notice of the time and place fixed for such hearing shall be given by the executor or administrator by publishing the same at least once a week for three successive weeks preceding the time fixed for such hearing, such publication to be in such paper as the court may order, and such notice shall be posted in three public places in the county at least fifteen days preceding the time fixed for such hearing, and which shall state in substance that a final report and petition for distribution have, or either thereof has, been filed with the clerk of the court, and that the court is asked to settle such report, distribute the property to the heirs or persons entitled to the same, and discharge the executor or administrator, and it shall give the time and place fixed for the hearing of such final report and petition and shall be signed by the executor or administrator or the clerk of court and be posted and published or caused to be posted and published as aforesaid.

Notice of
time and
place for
hearing.

SEC. 163. Upon the day fixed for the hearing of such final report and petition for distribution, or either thereof, or any day to which such hearing may have been adjourned by the court, if the court be satisfied that the notice of the time and place of hearing has been given as provided herein, it may proceed to the hearing aforesaid. Any person interested may file objections to the said report and petition for distribution, or may appear at the time and place fixed for the hearing thereof and

Hearing.

Objections
to report.

present his objections thereto. The court may take such testimony as to it appears proper or necessary to determine whether the estate is ready to be settled, and whether the transactions of the executor or administrator should be approved, and to determine who are the legatees or heirs or persons entitled to have the property distributed to them, and the court shall, if it approves such report and find the estate ready to be closed, cause to be entered a decree approving such report, find and adjudge the persons entitled to the remainder of the estate, and that all debts have been paid, and by such decree shall distribute the real and personal property to those entitled to same, and direct the executor or administrator to deliver to the distributees their portions according to the provisions of such decree and to make return of his proceedings to the court, showing receipt by such distributees of their portions of the estate, which decree shall be final and conclusive as to all the world. Upon such return being made, the court shall, if satisfied of the correctness thereof, adjudge the estate closed and discharge the executor or administrator: *Provided, however,* The court may, in its discretion, distribute any property subject to any encumbrance thereon.

Decree of
distribution.

SEC. 164. If there be any minor interested in the estate who has no legally appointed guardian, the court shall appoint some disinterested person to represent such minor, with reference to such final report and petition for distribution, who, on behalf of the minor, may contest the same as any other person interested might contest it, and who shall be allowed by the court reasonable compensation for his services.

Representa-
tion of
minor by
guardian.

SEC. 165. When any estate shall have been distributed by decree of the court as provided in this chapter, to any person residing out of this state, and having no agent therein, and it shall be necessary that some person should be authorized to take possession and charge of the same for the benefit of such absent person, the court may

Appointment
of agent for
non-resident
distributee.

appoint an agent for that purpose, and authorize him to take charge of such estate.

SEC. 166. Such agent shall give a bond to the State of Washington, to be approved by the court, conditioned faithfully to manage and account for such estate, before he shall be authorized to receive the same, and the court appointing such agent may allow a reasonable sum out of the estate for his services and expenses.

Agent's
bond and
compensation.

SEC. 167. When the estate shall have remained in the hands of the agent unclaimed for three years, it shall be sold under order of the court, and the proceeds, after deducting the expenses of the sale and allowance to the agent, to be fixed by the court, shall be paid into the county treasury. When the payment is made the agent shall take triplicate receipts, one of which he shall file with the county auditor, and another with the court.

Sale of
unclaimed
share.

SEC. 168. The agent shall be liable on his bond for the care and preservation of the estate while in his hands, and for the payment of the proceeds of sale as required by the preceding section, and may be sued thereon by any person interested.

Liability
of agent.

SEC. 169. If any person shall within four years immediately following the payment of said money as aforesaid to the treasurer, appear and claim the money paid into the treasury, the court making the distribution, being first satisfied of his right, shall order the payment of such money, and, upon the presentation of a certified copy of the order to the county auditor, he shall draw his warrant on the county treasurer for the amount. If no such claim be made within the four year period last above mentioned the said money shall escheat to the state.

Claimant for
proceeds
of sale.

Escheat
to state.

SEC. 170. In rendering his accounts or reports the executor or administrator shall produce receipts for the expenses and charges which he shall have paid, which receipts shall be filed and remain in court; however, he may be allowed any item of expenditure, not exceeding twenty dollars (\$20.00), for which no receipt is produced, if such

Receipts for
expenses and
charges to
be filed.

item be supported by his own oath, but such allowances without receipts shall not exceed the sum of three hundred dollars (\$300.00) in any one estate.

Order for
payment
of debts.

SEC. 171. The debts of the estate shall be paid in the following order:

1. Funeral expenses in such amount as the court shall order.
2. Expenses of the last sickness, in such amount as the court shall order.
3. Wages due for labor performed within sixty days immediately preceding the death of decedent.
4. Debts having preference by the laws of the United States.
5. Taxes, or any debts or dues owing to the state.
6. Judgments rendered against the deceased in his lifetime which are liens upon real estate on which executions might have been issued at the time of his death, and debts secured by mortgages in the order of their priority.
7. All other demands against the estate.

Extent of
mortgage and
judgment
preferences.

SEC. 172. The preference given in the preceding section to a mortgage or judgment shall only extend to the proceeds of the property subject to the lien of such mortgage or judgment.

Due allow-
ance to
precede
payment.

SEC. 173. No claim against the estate shall be paid until the same shall first have been allowed by both the executor or administrator and the court.

Payments in
case estate
insufficient.

SEC. 174. If the estate shall be insufficient to pay the debts of any class, each creditor shall be paid in proportion to his claim, and no other creditor of any lower class shall receive any payment until all those of the preceding class shall have been fully paid.

Expense of
monument
payable from
estate.

SEC. 175. Executors and administrators of the estate of any deceased person are hereby authorized, by and with the consent of the court, to expend a reasonable amount out of the estate of the decedent to erect a monument or tombstone suitable to mark the grave or crypt

of the said decedent, and the expense thereof shall be paid as the expenses of administration are paid.

SEC. 176. Whenever a decree shall have been made by the court for the payment of creditors, the executor or administrator shall be personally liable to each creditor for his claim or the dividend thereon, except when his inability to make the payment thereof from the property of the estate shall result without fault upon his part. The executor or administrator shall likewise be liable on his bond to each creditor.

Liability of personal representatives for payment of claims.

SEC. 177. If, after the accounts of the executor or administrator have been settled and the property distributed, it shall appear that there is a creditor or creditors whose claim or claims have been duly filed and not paid or disallowed, the said claim or claims shall not be a lien upon any of the property distributed, but the said creditor or creditors shall have a cause of action against the executor or administrator and his bond, for such an amount as such creditor or creditors would have been entitled to receive had the said claim been duly allowed and paid, and shall also have a cause of action against the distributees and creditors for a contribution from them in proportion to the amount which they have received. If the executor or administrator or his sureties be required to make any payment in this section provided for, he or they shall have a right of action against said distributees and creditors to compel them to contribute their just share.

Action on unpaid claim.

Actions for contribution.

SEC. 178. If there be any claim not due the court may in its discretion, after hearing upon such notice as may be determined by it, mature such claim and direct that the same be paid in the due course of the administration.

Order maturing claim not due.

SEC. 179. If there be any contingent or disputed claim against the estate, the amount thereof, or such part thereof as the holder would be entitled to, if the claim were established or absolute, shall be paid into the court, where it shall remain to be paid over to the party when he shall become entitled thereto; or if he fail to es-

Contingent and disputed claims.

tablish his claim, to be paid over or distributed as the circumstances of the case may require.

SEC. 180. A final settlement of the estate shall not prevent a subsequent issuance of letters of administration, should other property of the estate be discovered, or if it should become necessary and proper from any cause that letters should be again issued.

Issuance of
letters after
final
settlement.

XX.

DISTRIBUTION PRIOR TO SETTLEMENT AND ADVANCEMENT.

SEC. 181. At any time after six months from the date of the first publication of notice to creditors, any heir, legatee, or devisee, may present his petition to the court praying that the legacy or share of the estate to which he is entitled may be given to him, upon his giving bond with security for the payment of his proportion of the debts of the estate, inheritance tax, expenses of administration, support of the family, or other obligations of the estate.

Application
for premature
distribution.

SEC. 182. Notice of the application shall be given to the executor or administrator and to all persons interested in the estate in the same manner that notice is required to be given of the settlement of the final account of the executor or administrator and petition for distribution.

Notice.

SEC. 183. The executor, administrator, or any person interested in the estate may appear and resist the application; or any other heir, legatee, or devisee may make a similar application for himself.

Resistance of
application.

SEC. 184. If, on the hearing of such petition or petitions, it appear to the court that the estate is but little in debt and that the shares of the parties applying may be allowed and set off to him or them without injury to the creditors of the estate, the court may make a decree establishing such petitioner or petitioners to be heirs or legatees or devisees and set off to him or them by a decree his or her portion of such estate: *Provided*, Each one of

Order setting
off share
of estate.

them shall first execute and deliver to the executor or administrator a bond in such sum as may be designated by the court, and with sureties to be approved by the court, which bond shall be conditioned for the payment by the devisee or legatee or heir, whenever required, of his portion of the debts, expenses of administration, inheritance tax, allowance to the family and other obligations of the estate.

Bond to secure payment of debts, etc.

SEC. 185. The cost of the proceedings authorized by the preceding section shall be paid by the applicant, or if there be more than one, shall be equally apportioned among them.

Costs.

SEC. 186. Whenever any bond has been executed and delivered under the provisions of the preceding sections and the court shall determine that it is proper and necessary to require payment of any part of the money thereby secured, he may make an order requiring the payment and direct the executor or administrator to take such proceedings as may be necessary to enforce such payments, and such executor or administrator may, if the court so order, institute suit on the said bond for the collection of such sums.

Enforcing repayment by distributee.

SEC. 187. All questions as to advancements made, or alleged to have been made, by the deceased to any heirs may be heard and determined by the court before any distribution is made as in this act provided and the same shall be specified in the decree of distribution.

Advancements, determination of.

XXI.

SPECIFIC PERFORMANCE OF DECEDENT'S CONTRACT.

SEC. 188. If any person, who is bound by contract, in writing, to convey any real property, shall die before making the conveyance, the superior court of the county in which the estate is being administered, may upon application of the executor or administrator, without notice, make an order authorizing and directing the executor or administrator to convey such real property to the person entitled thereto.

Order for conveyance on application of executor.

Petition
by party
entitled to
conveyance.

Notice to
executor.

SEC. 189. If the executor or administrator fail to make such application, then any person claiming to be entitled to such conveyance under such contract, may present a petition setting forth the facts upon which such claim is predicated, and the court, or the judge thereof, shall make an order appointing a time for hearing such petition, and shall also order notice thereof and of the time of the hearing to be personally served upon the executor or administrator, by delivery to him of a copy of the same, together with a copy of the petition. If personal service cannot be had upon the executor or administrator, such service shall be made as the court may direct.

Hearing.

SEC. 190. At the time appointed for such hearing, or at such other time as the same may be adjourned to, upon proof of service of the notice as herein provided, the court shall proceed to a hearing and determine the matter.

Conveyance
under order
of court.

SEC. 191. A conveyance executed under the provisions of this act shall so refer to the order authorizing the conveyance that the same may be readily found, but need not recite the record in the case generally, and the conveyance made in pursuance of such order shall pass to the grantee all the estate, right, title and interest contracted to be conveyed by the deceased, as fully as if the contracting party himself were still living and executed the conveyance in pursuance of such contract.

Filing of
certified copy
of order.

SEC. 192. A certified copy of the order shall be recorded with the deed in the office of the auditor of the county where the lands are, and shall be conclusive evidence of the correctness of the proceedings and of the authority of the executor or administrator to make such conveyance.

Actions in
case of death
of person
entitled to
conveyance.

SEC. 193. If the person to whom the conveyance was to be made shall die before the commencement of the proceedings according to the provisions of this act or before the completion of the conveyance, any person who would have been entitled to the conveyance under him, as heir,

devisee, or otherwise, in case the conveyance had been made according to the terms of the contract, or the executor or administrator of such deceased person, for the benefit of persons entitled, may commence such proceedings, or prosecute the same if already commenced; and the conveyance shall be so made as to vest the estate in the persons who would have been entitled to it, or in the executor or administrator for their benefit.

SEC. 194. The testimony of witnesses concerning the claim may be taken by deposition whenever the deposition of such witnesses might be taken to be used in the trial of a civil action. The notice of the time and place of taking such deposition, and the manner of such taking, shall be governed as is provided for in civil actions.

Depositions
of witnesses.

XXII.

APPOINTMENT OF GUARDIANS FOR MINORS, INSANE AND MENTALLY INCOMPETENT PERSONS.

SEC. 195. The superior court of each county shall have power to appoint guardians for the persons and estates, or either thereof, of minors, insane and mentally incompetent persons resident of the county, and guardians for the estates of all such persons who are non-residents of the state but who have property in such county needing care and attention.

Authority
to appoint
guardians.

SEC. 196. Guardians shall have the same qualifications as executors and administrators except that a non-resident, otherwise qualified, may be guardian of the estate in this state of a non-resident ward.

Qualifi-
cations.

SEC. 197. When a petition duly verified is presented to the superior court, showing that a person resident of the county where the petition is filed is a minor or is insane or mentally incompetent and needs the care and attention of a guardian, or that such person has property in the county needing care and attention of a guardian, or showing that such minor, insane or mentally incompetent person is a non-resident of the state and has prop-

Petition for
appointment.

Notice of
hearing.

erty in the county needing care and attention of a guardian, and praying for appointment of a guardian for the person and property, or either, of such minor, insane or mentally incompetent person, the court shall thereupon make an order setting a time for the hearing of such petition and directing the clerk of the court to issue a notice stating that such petition has been filed and the time and place of hearing thereof and that all persons interested shall appear at such time and place and show cause why a guardian should not be appointed for the person and estate, or either thereof, of such minor, insane or mentally incompetent person: *Provided, however,* If such petition be made by a parent asking the appointment of himself as guardian of his minor child under the age of fourteen years, or if a petition be accompanied by the written consent of a minor over the age of fourteen years, consenting to the appointment of the guardian asked for, or should a minor, insane or mentally incompetent person be a non-resident of the state and the petition be by any foreign guardian of such minor, insane or mentally incompetent person, then the court may at once upon presentation of such petition, and without notice of hearing thereof, appoint such guardian.

Consent of
minor to
appointment
of parent.

Foreign
guardian of
non-resident.

Service
of notice.

SEC. 198. If the petition be with reference to the appointment of any guardian mentioned in the preceding section, except guardians for the property of non-residents of the state, then the notice of hearing provided for in the preceding section shall be personally served upon the person having the custody, care and control of such minor, insane or mentally incompetent person, or the person with whom such minor, insane or mentally incompetent person resides, and if such minor, insane, or mentally incompetent person be over the age of fourteen years, then such notice shall be personally served upon such minor, insane or mentally incompetent person also. If such minor, insane or mentally incompetent person be in the care, custody or control of any officer or institution, then such notice shall be served upon such officer or head of

such institution. The notice herein provided for shall be served at least ten days prior to the time set for such hearing, and proof, as in civil actions provided, of such service shall be made and filed in the proceedings.

SEC. 199. If such petition be for the appointment of a guardian to the property of any minor, insane or mentally incompetent person, who resides without the State of Washington, then the petitioner shall make an affidavit stating the fact of such non-residence, and unless the petitioner be a non-resident guardian, the notice hereinbefore provided for shall be served by publication in some newspaper printed and of general circulation in the county where the petition is filed, and such publication shall be for once a week for not less than three successive weeks prior to the time set for such hearing, and proof of such publication shall be made and filed as in other cases. At the time fixed for such hearing, if the court be satisfied that the publication has been made, it may proceed to the hearing and to the appointment of the guardian.

Service by publication in case of non-resident ward.

Appointment by court.

SEC. 200. In all cases for the appointment of guardian where the notice cannot be given as in this act provided, the court may require such notice as to it may seem right and proper and take such proceedings as it shall determine upon with reference to the appointment of such guardian.

Substitute notice.

SEC. 201. Before the hearing, the petition or a copy thereof shall be submitted to the prosecuting attorney, whose duty it shall be to appear for such minor, insane or incompetent person at such hearing: *Provided, however,* It shall not be necessary for the prosecuting attorney to appear if such person for whom a guardian is to be appointed, be represented in the proceeding by any other attorney.

Representation by prosecuting attorney.

XXIII.

POWERS AND DUTIES OF GUARDIANS OF MINORS, INSANE OR MENTALLY INCOMPETENT PERSONS OR THEIR ESTATES.

SEC. 202. Guardians herein provided for shall at all times be under the general direction and control of the

Guardians under court control.

Legal age.

court making the appointment. For the purposes of this act, males shall be of full and legal age when they shall be twenty-one years old, and females shall be deemed of full and legal age when they are eighteen years old or at any age under eighteen, when, with the consent of the parent or guardian, or the person under whose care or government they may be, they shall have been legally married.

Oath and bond of guardian.

SEC. 203. Before letters of guardianship are issued, each guardian shall take and subscribe an oath and file a bond, with sureties to be approved by the court, payable to the State of Washington, in such sum as the court may fix, and such bond shall be conditioned substantially as follows:

The condition of this obligation is such, that if the above bound A. B., who has been appointed guardian for C. D., shall faithfully discharge the office and trust of such guardian according to law and shall render a fair and just account of his guardianship to the superior court for the county of, from time to time as he shall thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management and education of such minor, insane or mentally incompetent person, or his or her property, and render and pay to such minor, insane or mentally incompetent person all moneys, goods, chattels, title papers and effects which may come into the hands or possession of such guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

Successive recoveries on bond.

The said bond shall be for the use of such minor, insane or mentally incompetent person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty shall be recovered thereon. The court may require an addi-

tional bond whenever for any reason it may appear to the court that such additional bond should be given. Additional bonds.

SEC. 204. All the provisions of this act relative to bonds given by executors and administrators shall apply to bonds given by guardians. What law governs.

SEC. 205. It shall be the duty of the guardian of any estate:

1. To make out and file, within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and failing so to do, it shall be the duty of the court to remove him and appoint a successor. Inventory.

2. To manage the estate for the best interest of his ward.

3. To render on oath to the proper court an account of his receipts and of his expenditures, with vouchers therefor, at least once in every two years, and whenever cited to do so, and failing so to do, he shall receive no allowances for services, and be liable to said ward on his bond in damages for ten per cent. of the whole amount of the estate, both real and personal in his hands belonging to such ward. Accounts.

4. At the expiration of his trust fully to account for and pay over to the proper person all the estate of said ward remaining in his hands. Final accounting.

5. To pay all just debts due from such ward out of the estate in his hands, and to collect all debts and demands due such ward, and in case of doubtful debts, to compound the same, and to appear for and defend, or cause to be defended, all suits against such ward. Payment of debts and collection of demands.

6. When any ward has no father or mother, or such father or mother is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify. Education of ward.

SEC. 206. Guardians of minors, insane or mentally incompetent persons, or their property, shall have power and authority to represent their wards in all matters, and may sue and be sued as such guardian, and such Guardian to represent ward.

Compromises
and
settlements.

wards shall be bound by any compromise or settlement made by such guardian: *Provided*, The court shall have ordered or approved such action of the guardian. Before making any such compromise or settlement, the guardian shall file with the court which appointed him a petition setting out the nature of the suit, claim or dispute, together with the reasons for settling or compromising the same, and the court, either with or without notice of hearing, may make such order on such petition as shall appear proper.

No action
against estate
unless claim
rejected.

SEC. 207. No holder of a claim, demand or judgment against an estate of a person under guardianship shall maintain an action thereon or enforce same, unless the claim, demand or judgment shall have been first presented to such guardian and by him rejected in whole or in part. A failure or neglect to allow a claim for thirty days after the same is presented shall be deemed a rejection thereof.

Judgments,
except
foreclosures,
rank as
claims.

SEC. 208. No judgment entered against such guardian or the estate or person of any such minor, insane or mentally incompetent person, except for the foreclosure of a mortgage or other lien, shall be a lien against or upon the estate of such minor, insane or mentally incompetent person, but such judgment shall be presented and paid as other claims of the same class or grade.

Removal or
death of
guardians.

SEC. 209. The court in all cases shall have power to remove guardians for good and sufficient reasons, which shall be entered of record, and to appoint others in their place or in the place of those who may die, who shall give bond and security for the faithful discharge of their duties as heretofore prescribed; and when any guardian shall be removed or die, and a successor be appointed, the court shall have power to compel such guardian removed to deliver up to such successor all goods, chattels, moneys, title papers, or other effects belonging to such minor, insane or mentally incompetent person, which may be in the possession of such guardian so removed, or of the executors or administrators of a deceased guardian, or in the posses-

Enforcement
of delivery of
estate to
successors.

sion of any other person or persons, and upon failure, to commit the party offending to prison, until he, she, or they comply with the order of the court.

SEC. 210. When either parent is deceased, the surviving parent of any minor child may, by his last will in writing appoint a guardian or guardians for his minor child, whether born at the time of making such will or afterwards, to continue during the minority of such child, or for any less time, and every such testamentary guardian shall give bond in like manner and with like conditions as hereinbefore required, and he shall have the same powers and perform the same duties with regard to the person and estate of the ward as a guardian appointed as aforesaid.

Testamentary guardians.

SEC. 211. Nothing contained in this chapter shall affect or impair the power of any court to appoint a guardian to defend the interests of any minor, insane or mentally incompetent person interested in any suit or matter pending therein, or to commence and prosecute any suit in his behalf.

Guardian ad litem.

SEC. 212. Whenever it shall appear to the satisfaction of a court by the petition of any guardian, that it is necessary or proper to sell, lease or mortgage any of the real or personal property of the estate of such ward for the purpose of paying debts or for the care, support and education of such ward, or to redeem any property of such ward's estate covered by mortgage or other lien, or for the purpose of making any investments, or for any other purpose which to the court may seem right and proper, the court may make an order directing such sale, lease or mortgage of such part or parts of the real or personal property as shall to the court seem proper.

Sale, lease or mortgage of property.

SEC. 213. Such application shall be by petition, verified by the oath of the guardian, and shall substantially set forth:

Contents of petition.

1. The value and character of all personal estate belonging to such ward that has come to the knowledge or possession of such guardian.

2. The disposition of such personal estate.
3. The amount and condition of the ward's personal estate, if any, dependent upon the settlement of any estate, or the execution of any trust.
4. The annual income of the real estate of the ward.
5. The amount of rent received and the application thereof.
6. The proposed manner of reinvesting the proceeds of the sale, if asked for that purpose.
7. Each item of indebtedness, or the amount and character of the lien, if the sale is prayed for the liquidation thereof.
8. The age of the ward, where and with whom residing.
9. All other facts connected with the estate and condition of the ward necessary to enable the court to fully understand the same. If there is no personal estate belonging to such ward, in possession or expectancy, and none has come into the hands of such guardian, and no rents have been received, the fact shall be stated in the application.

SEC. 214. All the provisions of this act with reference to applications by administrators or executors for sales and mortgages by them, and notices concerning same, and all provisions of this act with reference to the report of such administrator or executor of sales and mortgages, and the confirmation thereof, shall be applicable to sales and mortgages made by any guardian mentioned in this act, but the court may order leases to be made upon such terms, conditions and notices as it may see fit. The provisions of section 64 hereof shall not be applicable to guardianships.

SEC. 215. No sale by any guardian of real or personal property shall be void or be set aside or be attacked because of any irregularities whatsoever, and none of the steps leading up to such sale or the confirmation thereof shall be jurisdictional, and the confirmation by the court of any such sale shall be conclusive as to the regularity

Law govern-
ing sales and
mortgages
by executors
applies.

Leases
within
discretion
of court.

Sales not
avoided by
irregularities.

Conclusive-
ness of con-
firmation
by court.

and legality of such sale or sales, and the passing of title after confirmation by the court shall vest an absolute title in the purchaser, and such instruments of transfer may not be attacked for any purpose or any reason, except for fraud.

SEC. 216. Every guardian shall be allowed by the court, on settling his accounts, the amount of all reasonable expenses incurred in the execution of his trust, and also such compensation for his services and the services of his attorney, as the court shall deem reasonable.

Compensation and expenses.

SEC. 217. When the guardian and ward are both non-residents, and the ward is entitled to property in this state, which may be moved to another state or territory, such property may be removed to the state or territory in which such ward may reside, upon the application of the guardian to the judge of the superior court of the county in which the estate of the ward, or the principal part thereof, may be, in the manner following: The guardian so applying must produce a transcript from the records of a court of competent jurisdiction, certified according to the laws of this state, showing his appointment as guardian of the ward in the state or territory in which he and the said ward reside; that he has qualified as such according to the laws thereof; and must also give thirty days' notice to the resident executor, administrator, guardian, agent or trustee, if there be such, of the applications. Thereupon, if no objection be made, or if no good cause be shown to the contrary, the judge of the court shall make an order granting such guardian leave to remove the property of said ward to the state or territory in which he or she may reside; which order shall be full and complete authority to said guardian to sue for and receive the same in his own name, for the use and benefit of said ward.

Removal of property of non-resident ward.

Procedure.

SEC. 218. Every guardian for any insane or mentally incompetent person shall, after appointment and qualification, cause notice of his appointment to be published in

Guardian's notice to creditors of ward.

some newspaper printed in the county of his appointment, once a week for three consecutive weeks, and if there be no such paper published in such county, then by posting such notice for a like period at the courthouse of such county. The court by order may require such notice to be published or posted for an additional period. Such notice shall further call upon all creditors to serve their claims, duly verified, on such guardian or his attorney of record, and file with the clerk of the court, with proof of service, within six months from the date of the first publication of such notice, otherwise such claims shall be barred.

Limitation
on filing
of claims.

GENERAL PROVISIONS.

SEC. 219. It is the intention of this act that the courts mentioned shall have full and ample power and authority to administer and settle all estates of decedents, minors, insane and mentally incompetent persons in this act mentioned. If the provisions of this [act] with reference to the administration and settlement of such estates should in any cases and under any circumstances be inapplicable or insufficient or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end that such estates may be by the court administered upon and settled.

Jurisdiction
of courts in
administra-
tion of
estates.

SEC. 220. In exercising any of the jurisdiction or powers by this act given or intended to be given, the court is authorized to make, issue and cause to be filed or served, any and all manner and kinds of orders, judgments, citations, notices, summons, and other writs and processes not inconsistent with the provisions of this act, which may be considered proper or necessary in the exercise of such jurisdiction.

Exercise
of powers.

SEC. 221. Any interested party may appeal to the supreme court from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions.

Appeals to
supreme
court.

SEC. 222. All probate proceedings heretofore conducted in this state, including sales and mortgages by executors, administrators and guardians, and all final settlements, made or had in conformity with the provisions of this act, or in conformity with the provisions of any prior law applicable thereto, are hereby declared valid.

Validation
of prior
probate
proceedings.

SEC. 223. Sections 1278 to 1340, both inclusive, sections 1372 to 1692, both inclusive, and sections 1694 and 1320-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and section 1693 of Remington & Ballinger's Annotated Codes and Statutes of Washington insofar as said section is meant to affect sales hereafter to be made under this act, and all other laws or parts of laws in conflict herewith, are hereby repealed: *Provided, however,* In all estates now in process of probate, where notice to creditors has been or is being given under any prior law, creditors shall have the time in such notices specified within which to present claims.

Repealing
clause.

Saving
clause.

Passed the Senate February 22, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 157.

[S. B. 322.]

STREET RAILWAYS OVER INTERSTATE BRIDGES.

AN ACT authorizing cities and towns in the State of Washington to grant to the board of county commissioners of any county in this state joining in the construction or operation of any interstate bridge, or to any other public authority of this state, joining in the operation of any such interstate bridge, a part of which or the approaches thereto are within any such city or town, the right to lay and maintain street car tracks over such portions of the streets constituting the approaches to such interstate bridge or used in connection therewith, and conferring upon such public authorities the right to control the use of such railway tracks and to grant the right to use the same to persons, municipalities or corporations operating over such interstate bridge or other street car companies operating over such tracks.

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

SECTION 1. That whenever any interstate bridge has been or may hereafter be constructed over any navigable river, stream or body of water which constitutes or forms the boundary line of this state or any county therein jointly with any state or county of an adjoining state, and any portion of such interstate bridge or the approaches thereto are within the limits of any incorporated city or town within this state, the city council of any such city or town shall have the power and authority to grant, by resolution to the board of county commissioners of any county in this state joining in the construction or operation of any such interstate bridge or any other public authority of this state joining in the operation of any interstate bridge, the right to lay and maintain street railway tracks in such streets of any such city or town as may constitute a part of or be used in connection with the approach or approaches to any such interstate bridge, with the power and right to construct and erect the necessary poles and trolley lines to be used in connection with such tracks.

SEC. 2. That in granting the right to lay and maintain street car tracks as provided in section one (1) of

Street rail-
ways on
approaches
to interstate
bridges.

Manner of
laying tracks.

this act such city or town may prescribe in such resolution the manner in which such street car tracks may be laid and maintained.

SEC. 3. That whenever in the construction of any interstate bridge the public authorities constructing such bridge have as a part of the construction provided such bridge and the approaches thereto with street car tracks and other conveniences for the use and operation of street cars over such interstate bridge, and whenever any county or other public authority in this state joining in the construction or operation of such bridge has constructed and is maintaining street car tracks and other conveniences for the use and operation of street cars in any incorporated city or town of this state, as provided in section 1 of this act, the board of county commissioners of any county in this state, or other public authorities of this state, joining in the construction or operation of any such interstate bridge or in the construction and maintenance of any street car tracks in the streets and approaches to such bridge are authorized and empowered to grant to corporations, persons or municipalities operating over such interstate bridge or operating street cars over the tracks on the approaches or streets used in connection therewith, the right to use such railway tracks on such terms as may be prescribed: *Provided*, That no franchise or right shall be given to any person, corporation or municipality for the exclusive use of any such tracks, but the right to operate over the same or any portion thereof shall be a common use for all municipalities, corporations or individuals desiring to use the same on such terms as may be prescribed.

Use of street railway tracks on interstate bridges.

Exclusive franchises prohibited.

SEC. 4. In granting the right to use any street car tracks constructed under the provisions of this act or the right to operate over the same to any person, municipality or corporation the public authorities granting such right may prescribe the terms and conditions under which such person, municipality or corporation may use or operate over the same, and may act jointly with any state or

Joint franchise by interstate authorities.

county of an adjoining state or county which has joined in the construction or operation of any such interstate bridge, in granting the right to use such tracks to persons, municipalities or corporations operating over such interstate bridge.

Passed the Senate February 23, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 158.

[S. B. 302.]

JOINT COUNTY FERRIES.

AN ACT relating to the purchase, construction, maintenance and operation of ferries on the boundary line between two counties, and providing that this act shall take effect immediately.

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

SECTION 1. Whenever a river, lake or other body of water is on the boundary line between two counties in this state, the boards of county commissioners of the counties adjoining such stream or body of water may construct, purchase, equip, maintain and operate a ferry across such river, lake or other body of water, when such ferry shall connect the county roads or other public highways of their respective counties. All costs and expenses of constructing, purchasing, maintaining and operating such ferry shall be paid by the two counties, each paying such proportion thereof as shall be agreed upon by the boards of county commissioners.

Joint county
maintenance
of ferries.

SEC. 2. In order to carry out the provisions of section one of this act, the boards of county commissioners of the two counties shall meet in joint session at the county seat of one of the counties interested, and shall elect one of their members as chairman of the joint board of commissioners, who shall act as such chairman during the remainder of his term of office, and, at the expiration of his

Joint board
of county
commis-
sioners.

term of office, the two boards of county commissioners shall meet and elect a new chairman, who shall act as such chairman during his term of office as county commissioner, and they shall continue to elect a chairman in like manner thereafter. The county auditors of each of said counties shall be clerks of such joint commission, and the county auditor of the county where each meeting is held shall act as clerk of the commission at all meetings held in his county. It shall be the duty of each county auditor, as soon as such joint commission is organized, to procure a record book and enter therein a complete record of the proceedings of such joint commission, and the county auditor of the county in which the meeting is held shall, immediately after adjournment of such commission, forward a complete copy of the minutes of the proceedings of the commission to the auditor of the other county to be entered by him in his record, and each county shall keep a complete record of the proceedings of such commission.

Officers.

Records
of joint
commission.

SEC. 3. Said joint commission shall be authorized to transact all business necessary in carrying out the purposes of this act, and their said acts shall be binding upon the two counties, and one-half of all bills and obligations created by such joint commission shall be binding and a legal charge against the road and bridge fund of each county and the claims for same shall be allowed and paid out of the road and bridge fund the same as other claims against said fund by the respective boards of county commissioners: *Provided*, That if the estimated cost of constructing or purchasing a ferry shall exceed the sum of three hundred dollars (\$300.00), the same shall be done by contract in the same manner as the letting of contracts for bridges, except in case of emergency.

Expenses
a joint
liability.

Payment.

SEC. 4. That all claims and accounts for the construction, operation and maintenance of such ferry or ferries shall be presented to and audited by the joint commission: *Provided*, That items of expense connected with the operation of such ferry which do not exceed the sum of thirty dollars (\$30.00) in amount may be presented to

Audit and
allowance
of claims.

the chairman of the joint commission and allowed by him and when allowed shall be a joint charge against the road and bridge fund of each of the counties operating such ferry, as provided in section 3 of this act.

Impeachment
of commis-
sioner refus-
ing to act.

SEC. 5. The members of the board of county commissioners of each of said counties shall be members of said joint commission and their refusal to act shall be grounds for impeachment; and it shall be their duty to provide for the maintenance and operation of such ferry until it is discontinued by a majority vote of said joint commission.

Emergency.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 27, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 159.

[S. B. 104.]

ABSENTEE VOTING.

AN ACT relating to elections, and authorizing electors absent from their precincts of residence to vote at general elections and the primaries therefor, providing a penalty for violation and amending sections 1, 2, 3, 4, 5, 6 and 7 of chapter 189 of the Laws of 1915.

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

SECTION 1. That section 1 of chapter 189 of Laws of 1915 be amended to read as follows:

Absentee
voting
authorized.

Section 1. Any elector of the state unavoidably absent from his home county and more than twenty-five miles distant from the precinct in which he is qualified to vote, may vote in any polling place at which he may present himself during polling hours, at general elections to

be held for federal, United States senatorial and congressional, state or legislative officers, or propositions, or at any primary held for the purpose of nominations for any such election, in the manner provided for in this act.

SEC. 2. That section 2 of chapter 189 of Laws of 1915 be amended to read as follows:

Section 2. Any elector who shall present himself at any polling place within the state for a primary or general election mentioned in the preceding section, during the hours of voting thereat, presenting to the election officers of said polling place a certificate from the registration officer of the home precinct of said elector certifying that said registration officer is personally acquainted with said elector; that said elector is duly registered and qualified to vote in said home precinct, stating the place of residence of said elector; that said elector has in the presence of said registration officer affixed his signature to said certificate at a place to be designated "For Signature of Absent Voter": *Provided*, That said certificate shall be executed and signed in duplicate, the registration officer retaining one in his permanent files; the elector shall likewise present to the election officers a blank affidavit, to which he shall subscribe and swear before the inspector or one of the judges of said election. The oath to be subscribed to shall be as follows:

Voter's registration certificate.

Affidavit of voter.

State of Washington, }
County of } ss.

I,, do solemnly swear (or affirm) that I am a resident and qualified elector in the precinct (or ward) of city, in the county of, State of Washington, duly registered as such, and am entitled to vote at any election, primary or general, held thereon [therein] on this day; that the polling place within said precinct or ward is not in this county and is more than twenty-five miles herefrom; that this election is common in its main features to both my home precinct and this precinct; that I have had no opportunity to

vote thereat; that I will be unable to reach my home voting precinct this day; that I shall lose my vote by reason thereof unless permitted to vote herein, and that I have not voted and will not vote elsewhere at this election.

.....

Subscribed and sworn to before me this day of, 19....

.....

..... of election precinct (or ward) of city,county, Washington.

SEC. 3. That section 3 of chapter 189 of the Laws of 1915 be amended to read as follows:

Section 3. Upon the elector taking such oath he shall be given an official ballot taken from the highest numbers, which he shall take to a voting booth and mark the same as any resident voter may, except that he shall vote only for federal, United States senatorial and congressional, state and legislative officers, and for which he might vote in his home precinct, or for the nomination thereof, and for this purpose he may write in the names of any candidate or candidates under the proper headings in such ballot, and after marking the same shall fold such ballot and hand it to one of the judges or inspector of election, but such ballot shall not be deposited in the ballot box of such precinct nor entered upon the poll books of such precinct among the names of resident voters. The ballot shall be accompanied by his certificate and by the affidavit made by said voter, but same shall not be attached thereto. The ballot shall be securely sealed in a smaller inside envelope by the voter and by him delivered to the election officers, together with the affidavit just above referred to. The smaller inside envelope shall have no mark upon it, which may serve to identify it or the ballot within it with the voter. Upon receipt by the election officers of the ballot sealed as above stated together with the affidavit of the voter executed in due and regular form they shall securely seal both said sealed ballot and said certificate

Manner of voting.

and affidavit in a larger outside envelope, and upon this larger outside envelope shall be printed the following:

ABSENT VOTER'S BALLOT.

Name
Residence, (street or house)
Home precinct (or ward)
City
County
Date

We, the election officers of precinct (or ward), city of, county of, State of Washington, hereby certify that the ballot, together with the oath of the above named voter, was received by us and sealed in this envelope at the election held on the date aforesaid.

.....
Inspector.
.....
Judge.
.....
Judge.

Said statement upon the outside of said larger outside envelope shall be properly filled out and signed by the election officers.

SEC. 4. Such larger outside envelope when so sealed and certified shall be returned by the officers of election where such vote was cast to the county auditor of the county in which such voter cast his vote, along with the other election returns, and upon receipt of such envelopes the county auditors shall forward the same to the county auditor where the voter claims residence. Upon receipt by the county auditor of the county where the voter claims his residence of any such envelope it shall be the duty of the county auditor in the presence of the county clerk and county attorney to open said larger outside envelope in such a way as not to injure the seal or in any way open the smaller inside envelope containing the ballot, and to remove said smaller envelope containing the ballot and

Return of ballot to voter's home county.

mark upon the outside of said inside envelope the name or number of the precinct (or ward), city and county in which the ballot is to be counted and nothing whereby the identity of the voter can be known. If the voter's affidavit is in due and regular form the envelope containing the ballot shall be signed by the opening officers above named and approved as a valid vote. The opening officers shall then seal securely in one package the larger outside envelopes, certificates and affidavits of voters contained therein, attached securely together and kept by said auditor for future use in case any question shall arise as to the validity of the vote. The smaller inside envelopes containing the ballots shall be filed by the said auditor and kept securely locked until the time for canvassing the votes of such county. Upon the canvassing of the votes by the canvassing board of such county, whenever any precinct is called in which there shall be on file one or more such envelopes, the board shall cause such envelopes to be opened, and shall canvass and count the same for such precinct as nearly as possible in the same manner as such votes would have been counted had they been cast in such precinct, entering the same in the poll book as absent voters, and shall modify the election returns of such precinct accordingly. Such ballot shall become a part of the returns of such precinct, and shall be kept or destroyed accordingly: *Provided, however,* Such ballot shall not be canvassed or counted unless received by the auditor within six days from the date of said general or primary election.

Canvass and counting.

SEC. 5. The vote of any absent voter may be challenged for any cause at the time the same is canvassed by the canvassing board of the county, and the said canvassing board shall have all the power and authority given by law to officers of election to determine herein the legality of such ballot.

Challenges.

SEC. 6. The officers or persons who are now, or may hereafter be required by law to furnish supplies to officers of registration, shall furnish therewith a supply of blank

Election supplies for absentee voting.

affidavits, envelopes and certificates, as herein required, and there shall be provided also in each election poll book a separate registration for absent voters. Any elector receiving the certificate required in section 2 of this act shall also receive a blank affidavit and envelopes, as required by this act, from the registration officer, and which affidavit and envelopes the elector will present to the election officers at the time he offers to vote.

SEC. 7. Any person who violates any of the provisions of this act, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment of not more than five years. Penalty.

Passed the Senate February 26, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 160.

[S. B. 96.]

LICENSING PRACTICE OF MIDWIFERY.

AN ACT relating to the practice of midwifery, regulating the same, providing for the examination and licensing of applicants, and providing penalties for the violation of this act.

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

SECTION 1. Any person who shall practice midwifery in this state after July first, one thousand nine hundred and seventeen, shall first obtain from the state board of medical examiners of the State of Washington a license so to do, and the said board is authorized to grant such license after examination of the applicant as hereinafter provided. License required.

SEC. 2. Any person seeking to be examined shall present to the said board, at least ten days before the commencement of the said examination, a written application on a form or forms provided by the said board setting forth under affidavit the name, age, nativity, residence, Application for license.

moral character and time spent in obtaining a common school education or its equivalent; that the candidate has received a certificate or diploma from a legally incorporated school on midwifery in good standing, granted after at least two courses of instruction of at least seven months each in different calendar years or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign applicants must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the said certificate or diploma was issued. The application must be endorsed by a duly registered reputable physician of the State of Washington.

Admission
to ex-
amination.

SEC. 3. If the application is approved and the candidate shall have deposited the sum of fifteen dollars (\$15.00) as an examination fee with the secretary of the said board, the candidate shall be admitted to the examination, and in case of failure to pass the examination, may be re-examined at any regular examination within one year without the payment of an additional fee, said fee to be retained by the board after failure to pass the second examination.

Examination.

SEC. 4. The state board of medical examiners is hereby authorized and empowered to execute the provisions of this act and shall hold examinations in midwifery on the first Monday in January and July, at such places as the board may select, from ten o'clock a. m. to five o'clock p. m., and at such other times as the said board may deem expedient. The examinations may be oral, written, or both, and shall be in the English language; if desired in any other language, an interpreter may be provided by said board upon notification of the secretary at least ten days before examination. The cost of said interpreter shall be defrayed by the applicant for the license.

Examinations shall be held on the following subjects: Subjects.

- (1) Anatomy of pelvis and female genital organs.
- (2) Physiology of menstruation.
- (3) Diagnosis and management of pregnancy.
- (4) Diagnosis of foetal presentation and position.
- (5) Mechanism and management of normal labor.
- (6) Management of perperium.
- (7) Injuries to the genital organs following labor.
- (8) Sepsis and anti-sepsis in relation to labor.
- (9) Special care of the bed and lying-in room.
- (10) Hygiene of mother and infant.
- (11) Asphyxiation, convulsions, malformation and infectious diseases of the new-born.
- (12) Causes and effects of ophthalmia neonatorum.
- (13) Abnormal conditions requiring attention of a physician.
- (14) Requirements of the vital statistics laws pertaining to the reporting of births and the rules of the state board of health relative to ophthalmia neonatorum or other infectious diseases of the new-born.

Said examination shall be sufficient to test the scientific and practical fitness of candidates to practice midwifery and the board may require examination on other subjects relating to midwifery from time to time. All application papers shall be deposited with the secretary of the state board of medical examiners and there retained for at least one year, when they may be destroyed.

If said examination is satisfactory, said board shall issue to such candidate a license with the certified copy signed by its president and secretary, and attested by its seal, entitling the candidate to practice midwifery in the State of Washington: *Provided*, That said license shall not authorize the holder to prescribe any drugs or medicine except some household remedy after the birth of the infant.

Issuance
of license.

SEC. 5. Every person holding a license authorized in this act must have the same recorded in the office of the county clerk in the county in which the holder is practicing

Registration
of license.

her profession, and the fact of such recording shall be endorsed on the certificate by the county clerk recording the same. Every such person, on a change of her residence, must have the license recorded in the county to which she shall have removed. The absence of such record shall be *prima facie* evidence of the want of possession of such certificate; and any person practicing midwifery in this state without first having filed her certificate with the county clerk as herein provided, shall be deemed guilty of a misdemeanor.

Record book.

SEC. 6. The county clerk shall keep in a book provided for the purpose, a complete list of the certificates recorded by him, with the date of the record, and such book shall be open to public inspection during his office hours.

Grounds for refusal or revocation of license.

SEC. 7. Said board of medical examiners may refuse to grant or may revoke any license herein provided for, for any of the following reasons: Persistent inebriety; the practice of criminal abortion; the commission of any crime involving moral turpitude; presentation of a certificate or diploma for registration or license illegally obtained; application for examination under fraudulent misrepresentation; neglect or refusal to make proper returns to the health officer or health department of births or of puerperal contagion or infectious diseases within the required limit of time; failure to record her license with the clerk of the county in which the licentiate resides or practices; failure to secure the attendance of a reputable physician in a case of miscarriage, hemorrhage, abnormal presentation or position, retained placenta, convulsions, prolapse of the cord, fever during parturient stage, inflammation or discharge from the eyes of a new-born infant, or whenever there are any abnormal or unhealthy symptoms in either the mother or the infant during labor or the puerperium.

Right to hearing.

In complaints of violations of the provisions of this section, the accused shall be furnished with a copy of the complaint and be given a hearing before said board in

person or by attorney. Any midwife refused admittance to the examination or whose license has been revoked who shall attempt or continue the practice of midwifery, shall be subject to the penalties hereinafter prescribed.

SEC. 8. Any person shall be regarded as practicing midwifery within the meaning of this act who shall render medical aid to a woman in childbirth for a fee or compensation or who shall advertise as a midwife by signs, printed cards or otherwise. Nothing shall be construed in this act to prohibit gratuitous services. It shall be the duty of a midwife to always secure the immediate services of a legally qualified physician whenever any abnormal signs or symptoms appear either in the mother or the infant.

"Practicing midwifery" defined.

SEC. 9. Any person hereafter practicing midwifery in this state without first complying with the provisions of this act, shall be guilty of a misdemeanor and shall be punished by fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment in the county jail for not less than ten days nor more than six months, or both, at the discretion of the court.

Penalty for violations of act.

SEC. 10. All acts or parts of acts inconsistent with the provisions of this act may be and the same are hereby repealed: *Provided*, This act shall not repeal the provisions of the vital statistics laws of the state, but shall be deemed as additional and cumulative provisions.

Repealing clause.

SEC. 11. The words "certificate" and "license" shall be known as interchangeable terms in this chapter.

"Certificate" and "license" synonymous.

SEC. 12. This act shall not be construed to interfere in any way with the practice of religion, nor be held to apply to or regulate any kind of treatment by prayer.

Construction of act.

Passed the Senate March 2, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 161.

[H. B. 376.]

PROVIDING FOR THE KILLING OF VICIOUS DOGS.

AN ACT providing for the assessment and collection of an annual license tax for dogs, authorizing cities of the first, second or third class to make disposition of the same, creating a fund for the payment of damages for injuries to domestic animals, permitting any amount in such, in excess of two hundred dollars, to be expended for bounties on wild animals, providing for the killing of dogs injuring persons or domestic animals, making the owner or keeper thereof liable for damages for such injury, defining the powers and duties of certain officers and providing penalties for violation thereof.

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

Killing
vicious dogs
authorized.

SEC. 6. It shall be lawful for any person who shall see any dog chasing, biting, injuring or killing any sheep, swine or other domestic animal, outside the enclosure of the owner or keeper of such dog, or biting or injuring any child or person, to kill such dog, and it shall be the duty of the owner or keeper of any dog found chasing, injuring or biting any domestic animal, or injuring or biting any child or person, to thereafter keep such dog in leash or confined upon the premises of the owner or keeper thereof, and in case any such owner or keeper of a dog shall fail or neglect to comply with the provisions of this section, it shall be lawful for any person to kill such dog found running at large.

Duty of
owner to
kill vicious
dog.

SEC. 7. It shall be the duty of any person owning or keeping any dog which shall be found killing any domestic animal to kill such dog within forty-eight hours after being notified of that fact and any person failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five dollars (\$5.00) and of one dollar (\$1.00) for each day that he shall fail and neglect to comply with the provisions of this section, and the costs of prosecution.

Penalty for
failure.

SEC. 8. This act shall not apply to cities of first or second class regulating the licensing of dogs by ordinance. Dogs licensed by cities.

Passed the House March 5, 1917.

Passed the Senate March 7, 1917.

Sections 6, 7 and 8 approved by the Governor March 16, 1917.

Sections 1, 2, 3, 4 and 5 vetoed by the Governor March 16, 1917.

CHAPTER 162.

[H. B. 128.]

AMENDMENT OF IRRIGATION DISTRICT ACT.

AN ACT relating to the organization and government of irrigation districts, and facilitating co-operation between irrigation districts and the United States, and amending sections 6416, 6418, 6428, 6430, 6433, 6439, 6440, 6444, 6454, 6457, 6489, 6490, 6491 and 6493 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and as any or either of said sections is amended by section 2 of the Session Laws of 1913, chapter 165, or sections 1, 6, 10, 14, 15, 16, 20, 27, 28, 29 and 31 of the Session Laws of 1915, chapter 179, and providing for the organization and government of special improvement districts within the boundaries of any irrigation district for special construction or improvement in an irrigation system, including drainage, and the levy of special assessments according to benefits for payment thereof, and the issuance of warrants and bonds in the aid thereof by adding to section 6457 of Remington & Ballinger's Codes and Statutes of Washington, new sections to be known as sections 6457-1, 6457-2, 6457-3, 6457-4, 6457-5, 6457-6 and 6457-7.

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

SECTION 1. Section 6416 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 1 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6416. Whenever fifty or a majority of the holders of title to, or of evidence of title to land susceptible of "irrigation" desire to provide for the construction

Proposed district.

of works for the irrigation of the same, or desire to provide for the reconstruction, betterment, extension, purchase, operation or maintenance of works already constructed, or for the assumption as principal or guarantor of indebtedness on account of district lands to the United States under the federal reclamation laws, they may propose the organization of an irrigation district under the provisions of this chapter, and when so organized, such district shall have the power conferred, or that may hereafter be conferred, by law upon such irrigation district.

SEC. 2. Section 6418 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 2 of the Session Laws of 1913, chapter 165, is hereby amended to read as follows:

Elections to
establish.

Section 6418. For the purposes of the election above provided for, the board of county commissioners must establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place for, and appoint the necessary election officers for each of said precincts, but said precincts, may thereafter be changed by the board of directors of said district. Such election shall be conducted as nearly as may be practicable in the manner provided in the election of directors for the district.

Order
declaring
formation.

The board of county commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the votes cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast are "Irrigation district—Yes," the board shall, by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the three persons receiving the highest number of votes to be duly elected directors of such district, and shall cause a copy of such order, duly certified, to be filed for record in the office of the county clerk of each county in which any portion of the district may lie. From and after the date of the filing of such order, the organ-

ization of the district shall be complete and the directors thereof shall be entitled to enter immediately upon the duties of their office, upon qualifying in accordance with law, and shall hold office until their successors are elected and qualified.

Any person of the age of twenty-one (21) years, being a citizen of the United States and of the State of Washington and who holds title to land or evidence of title to land embraced within the boundaries of any irrigation district, or proposed irrigation district in the case of an election for the organization thereof, shall be entitled to vote at any election held therein, called for any purpose. Additional qualifications for voting, required by the general election laws of the state shall not apply, provided at all times the majority of the board of directors shall be residents of the county or counties within which the district is situated: and if at any election more than one elector residing outside of such county or counties be voted for, only that one of the non-resident candidates who receives the highest number of votes shall be considered in ascertaining and computing the result of the election: *And provided, further,* That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *Provided,* That at any election held under the provisions of this act, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said corporation: when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this act. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct nearest his place of residence.

Qualified
electors.

SEC. 3. Section 6428 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended

by section 6 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Title to
property
vested in
district.

Section 6428. The legal title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided: *Provided, however,* That any property so acquired by the district may be conveyed to the United States in so far as the same may be for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

Conveyances
to United
States.

SEC. 3-A. Section 6430 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Question of
bonding
submitted
to electors.

Section 6430. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of this chapter, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the fund for any such purpose has been exhausted by, or shall appear to be inadequate to meet, the expenditures herein authorized therefrom, and the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised, and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this chapter the question whether or not the bonds of said district in the amount so determined shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper

Elections.

published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this chapter governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes," and "Bonds—No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds—Yes," the board of directors shall immediately cause bonds in that amount to be issued. If the majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in section 6427 provided and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States—Yes," and "Contract with the United States—No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare said record in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such pre-

Submission
of question
of U. S.
contracts.

Bonds,
how paid.

vious election. Said bonds shall be payable in gold coin of the United States, in ten series as follows, to-wit: At the expiration of eleven years, five per cent of the whole number of bonds; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration (of) seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent, and shall bear interest at such rate not exceeding six per cent per annum as the board of directors may determine, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the board of directors shall be affixed thereto: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic fac-simile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price re-

Form and
contents.

ceived and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board: *Provided, further*, That the board shall have the power to provide for and agree and to include in the stipulations contained in the bonds of the district that no interest payment shall be made on said bonds during the first three (3) years after the date of the issue thereof, and that in lieu thereof the rate of interest shall be increased for a succeeding period of years sufficient to include and cover the interest for said three year period, together with interest on the deferred interest payments, but in no case shall the aggregate of interest paid on the principal exceed an average of six per cent during the entire life of the bonds.

Assessments
to meet
deficiencies.

Reissuance
of bonds.

Regulation
of interest
payments.

SEC. 4. Section 6433 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended

by section 10 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Assessments,
how and
when made.

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion with the benefits accruing to the lands assessed: *Provided*, That nothing herein shall be construed to affect or impair the obligation of any existing contract providing for a water supply to lands so assessed, unless the rights under such contract shall first have been acquired by said district, and in acquiring such rights the district may exercise the right of eminent domain. The secretary must, between the first Monday in March and the first Monday in June, in each year, prepare an assessment book, with appropriate headings, in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

First. The name of the person to whom the property is assessed. If the name is not known to the secretary the property shall be assessed to "unknown owners;"

Second. Land by township, range, section or fractional section, and when such land is not a legal subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town.

Third. The ratio of benefits.

Fourth. Appropriate reference to contracts regarding water supply.

Fifth. The fifth column shall be left blank for the extension of the assessment.

Sixth. The ratio of benefits in improvement districts.

Seventh. The seventh column shall be left blank for the extension of improvement district assessments.

Eighth. Such other things as the board of directors may require.

Any property which may have escaped assessment for any year, shall, in addition to the assessment for the then

current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

SEC. 5. Section 6439 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 14 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6439. Except as in this section otherwise provided, on or before the first day of November the secretary must deliver the assessment book to the county treasurer of the county in which the office of the board of directors is situated, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable at the office of said county treasurer, and will become delinquent at 5 o'clock in the afternoon of the 31st day of December next thereafter, unless sixty per cent thereof shall then have been paid, and that if thus allowed to become delinquent a penalty of five per cent thereof will be added to the amount thereof and that if sixty per cent thereof be paid on or before said 31st day of December the remainder thereof will not become delinquent until April 30th next following. The notice shall be published once a week for four successive weeks, and posted for the same length of time in some public place in said district. The county treasurer must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent unless sixty per cent (60%) shall have been paid as aforesaid, and thereafter the treasurer must collect thereon for the use of the district the aforesaid penalty of five per cent (5%). The district shall pay to the county from the five per cent (5%) penalties and other costs received by the treasurer in the collection of delinquent taxes, the

Collection of assessments.

Notice.

Payment of expense of collections.

amounts actually expended by the treasurer in performing the duties of *ex-officio* collector and treasurer of the district, and if said penalties and other costs shall not be sufficient therefor, the county treasurer shall certify the balance of such collection expense to the board of directors of the district and said claim shall be paid to the treasurer as other expenses of the district are paid: *Provided, however,* That in the case of districts comprising lands obligated to the United States for payments required by the federal reclamation act, and amendments thereof, the notice shall state that assessments against such lands in connection with such obligations, will become delinquent at the times and in accordance with the provisions of said statutes.

Lands under federal reclamation act.

SEC. 6. Section 6440 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 15 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6440. On or before the first day of February the county treasurer must publish the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description in all cases where payment of sixty per cent (60%) of the assessment has not been made on or before the thirty-first day of December next preceding; likewise on or before May 15th he must publish the delinquency list of all persons delinquent in the payment of the installment of forty per cent (40%) as in this act provided. He must append to and publish with the delinquency list a notice that unless the assessments delinquent, together with costs and percentages are paid the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor

Publication of delinquent list.

Time and place of sale.

more than twenty-eight days from the first publication and the place must be at some point designated by the treasurer: *Provided, however,* That publication of the delinquency lists on amounts due the United States under the acts of congress described in section 6439 shall begin on or before the first day of the second February ensuing the publication of notice of assessment as in said section 6439 prescribed and thereafter proceedings shall be taken progressively as in this chapter provided, and in such case all delinquent assessments shall bear interest and penalties in accordance with the aforesaid acts of congress.

SEC. 7. Section 6444 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 16 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6444. A redemption of the property sold may be made by the owner or any party in interest within two years from the date of purchase, by paying the amount of such assessments and interest, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount. If the purchaser shall pay any such assessments he must file a statement thereof with the auditor of the county where the organization of such district is perfected before the property shall have been redeemed, otherwise the property may be redeemed without paying such assessment. Such statement shall be recorded by the auditor. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the treasurer he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignee. In each report the treasurer makes to the board of directors he must name the persons entitled to redemption money and the amount due each. On receiving the certificate of sale the county auditor must file it and make an entry in a book similar to that required of the

Redemption.

treasurer. On the presentation of the receipt of the person named in the certificate, or of the treasurer for his use, of the total amount of the redemption money, the auditor must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within two years from the sale the treasurer must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (25c) and any person or district holding a duplicate certificate covering more than one tract of land, the several parcels or tracts of land mentioned in the certificate may be included in one deed.

Deed to purchaser.

Fees.

SEC. 8. Section 6454 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6454. The board of directors shall each receive not to exceed five dollars (\$5.00) per day in attending the meetings, to be determined by said board, and such compensation, not exceeding five dollars (\$5.00) per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district: *Provided*, That said board shall, upon the petition of at least fifty, or a majority of those having title or evidence of title to land within such district therefor, submit to the electors, at any general district election, a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board twenty days prior to a general elec-

Compensation of officers.

Determination by vote of electors.

tion, and the result of such election shall be determined and declared in all respects as other elections are declared under this chapter.

SEC. 9. Section 6457 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 20 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6457. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this chapter, except for the purpose of organization; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void: *Provided*, That the board of directors shall have the power to make surveys, do engineering work and conduct a general investigation to determine the feasibility of the proposed irrigation project, and incur an indebtedness therefor, not to exceed the sum of twenty-five cents an acre, assessable against the lands within the district; and any such indebtedness heretofore incurred by any irrigation district and assessments levied and collected for such purposes, not in excess of twenty-five cents an acre, are hereby ratified and validated. In cases of emergency the board of directors may incur any indebtedness not exceeding in the aggregate a sum equal to fifteen per centum (15%) of the total amount fixed as rates, tolls, charges and assessments for the current year for the care, operation, management, repair and improvement of the irrigation works of the district pursuant to section 6452 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and may cause warrants of the district to issue therefor, bearing interest at a rate not to exceed eight per cent (8%) per annum, and shall have the power to, and shall include in their next annual levy for maintenance the amount of all such warrants issued for organization and investigation expenses and to meet

Excess indebtedness void.

Exceptions.

any such emergency and the interest accrued on said warrants at the time of payment thereof.

SEC. 10. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-1 and to read as follows:

Section 6457-1. Any desired special construction, reconstruction, betterments or improvements in an irrigation system, including drainage, which are for the special benefit of the lands tributary thereto and lying within an irrigation district, may be constructed and provision made to meet the cost thereof as follows: The holders of title or evidence of title of one quarter of the acreage proposed to be assessed, may file with the board of directors of the irrigation district their petition reciting the nature and general plan of the desired improvement and specifying the lands proposed to be specially assessed therefor. Such petition shall be accompanied by a bond in the sum of one hundred dollars (\$100.00) with surety to be approved by the said board of directors conditioned that the petitioners will pay the cost of an investigation of the project and of the hearing thereon if the same be not established. The said board may at any time require a bond in an additional sum as may be deemed advisable. Upon the filing of such petition the board of directors with the assistance of a competent engineer, shall make an investigation of the feasibility, cost and need of the proposed local improvement together with the ability of the land to pay such cost, and if same appears feasible they shall have plans and estimate of the cost thereof prepared. If the cost shall appear to the board to exceed the benefits to accrue therefrom, or if the lands proposed to be embraced within the local improvement district shall be found to be insufficient security for the return of the cost, or if a protest against the establishment of the pro-

Petition for
local im-
provement
district.

posed improvement signed by a majority of the holders of title in the proposed local improvement district be presented at or prior to the hearing herein provided for, or if in other respects the proposed local improvement district should be found infeasible, they shall hold such petition for organization for naught and dismiss the same at the expense of the petitioners.

SEC. 11. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-2 and to read as follows:

Section 6457-2. In the event that the said board shall approve such petition, the board shall fix a time and place for the hearing thereof and shall publish a notice in the same manner as prescribed in section 6417, stating that the lands within certain described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that warrants for such local improvement are proposed to be issued as the warrants of the irrigation district, that the lands within said local improvement district are to be assessed for such improvement and a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of warrants as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any land owner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such lands and the board of directors in such case may, at their discretion, include such lands within such district. The board of directors

Notice and hearing.

may exclude any land specified in said notice from said district provided that in the judgment of the board the inclusion thereof will not be practicable.

SEC. 12. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-3 and to read as follows:

Section 6457-3. If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of equal annual installments not exceeding five in which the cost of said improvement shall be paid. The cost of said improvement shall be paid by the issuance of the warrants of the district, from time to time, therefor, either directly for the payment of the labor and material or for the securing of the funds for such purposes. Said warrants shall bear interest at a rate not to exceed eight per cent (8%) per annum, payable semi-annually, evidenced by coupons, and shall state upon their face that they are issued as warrants of the irrigation district for the benefit of the local improvement district within said irrigation district, that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said warrants and that said warrants are also a general obligation of the said district. No warrant shall be issued in denomination exceeding five hundred dollars (\$500.00) and no warrant shall be sold for less than par.

Adoption
of plans.

Warrants
for cost of
improvement.

SEC. 13. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding

thereto a new section to be known as section 6457-4 and to read as follows:

Section 6457-4. The cost of said improvement shall be specially assessed against the lands within such improvement district in proportion with the benefits accruing thereto, and shall be levied and collected in the manner in this act provided for the assessments of construction costs.

Special assessments.

All provisions in this chapter contained for the assessment, equalization, levy and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize said improvement or the expenditures therefor. Assessments when collected by the county treasurer for the payment for the improvement of any local improvement district and for the maintenance thereof, shall constitute special funds to be called "Construction Fund of Local Improvement District No. . . ." and "Operation & Maintenance Fund of Local Improvement District No. . . ."

Paid into special funds.

SEC. 14. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-5 and to read as follows:

Section 6457-5. In the event of the failure of the lands within the local improvement district to furnish money sufficient for the payment of principal or interest of the warrants for such local improvement work and there shall be a default in the payment of principal and interest as aforesaid, the amount delinquent shall be paid by the general warrants of the irrigation district at large, but the lands of the local improvement district shall not thereby become released from liability for special assessment therefor. Such warrants, if issued, shall be

Payment of warrants.

redeemed as soon as there shall be available money in the construction fund of the local improvement district.

SEC. 15. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-6 and to read as follows:

Section 6457-6. It shall be lawful for any irrigation district which has issued warrants for said local improvement as in this chapter provided, to issue in place thereof an amount of bonds not in excess of such issue of warrants, and to sell the same, or any part thereof, or exchange the same or any part thereof, with the holders of such previously issued warrants for the purpose of redeeming said warrants: *Provided, however,* That all the provisions of this chapter regarding the authorization and issue of bonds shall apply: *And providing further,* That the issuance of said bonds shall not release the lands of the local improvement district or districts from liability for special assessment for the payment thereof: *And provided further,* That the lien of any issue of bonds of the district prior in point of time to the issue of bonds or warrants herein provided for, shall be deemed a prior lien.

SEC. 16. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-7 and to read as follows:

Section 6457-7. Any irrigation district may contract with the United States for local improvement work, and for such purpose may form local improvement districts as herein provided.

Bonds for
refunding
warrant debt.

Priority
of bonds.

Contracts
with U. S.
for local
improvement
work.

Authorization of warrants or of contract with the United States for local improvement work may be confirmed in the same manner as in section 6490 to 6494 inclusive provided.

SEC. 17. Section 6489 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 27 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6489. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings for organizing such district or the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds of said district whether said bonds or any of them have or have not then been sold, may be judicially examined, approved, and confirmed, or in case a contract shall have been made by any irrigation district for the payment of moneys to the United States and bonds be not deposited with the United States as in section 6427: *Provided*, The board may commence a special proceeding whereby the proceedings of said district providing for and authorizing the said contract, whether or not the same shall already have been executed, may be judicially examined, approved and confirmed.

Special proceedings to confirm bonds and U. S. contracts.

There may be combined with the proceeding for the confirmation of the organization and formation of said district, either of the other confirmation proceedings above mentioned.

SEC. 18. Section 6490 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 28 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6490. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved, and con-

Petition to superior court.

Allegations.

firmed by the court. The petition shall state the facts, showing the proceedings had for the organization of said district or the proceedings had for the issue and sale of said bonds, or for the authorization of contract with the United States; and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

SEC. 19. Section 6491 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 29 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Notice of hearing.

Section 6491. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds or for the authorization of contract with the United States, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of irrigation district (giving its name), praying that the proceedings for the organization of said district or the proceedings for the issue and sale of the bonds of said district, or for the authorization of contract with the United States, may be examined, approved, and confirmed by said court.

SEC. 20. Section 6493 of Remington & Ballinger's Annotated Codes and Statutes of Washington, as amended

by section 31, chapter 179 of the Session Laws of 1915, is hereby amended to read as follows:

Section 6493. Upon the hearing of such special proceedings, the court shall have full power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter from and including the petition for the organization of the district, and all other proceedings which may affect the legality of the formation of said district or the legality or validity of said bonds, and the order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of contract with the United States. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings, in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all of the parties, in the discretion of the court.

Power and
duty of
court.

Taxation
of costs.

Passed the House February 27, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 163.

[S. B. 103.]

TEACHERS' RETIREMENT FUND.

AN ACT providing for the establishment and regulating the operation of teachers' retirement funds in school districts of the first class, defining the powers and duties of certain officers in relation thereto, providing for the levy and collection of taxes therefor, and providing for appeals from the decisions of the trustees of such fund.

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

SECTION 1. The word "teacher" whenever used in this act shall be held and construed to mean and include any person regularly employed as teacher, instructor, principal, supervisor or superintendent in the public schools, or as an assistant to any such teacher, instructor, principal, supervisor or superintendent. The word "member" whenever used in the act shall be held and construed to mean and include any teacher who shall be a contributor to the retirement fund of the district where such teacher is employed, any person who shall be an annuitant of such fund, and any person who, having been a teacher in such district of the first class, shall be a contributor to the retirement fund of such district while temporarily holding office or being employed as a county superintendent of schools or as a deputy or assistant thereof in the county where such district is situated, or as state superintendent of schools or deputy or assistant thereof, in this state, or while temporarily absent on leave for professional preparation, as hereinafter provided. The word "annuitant" whenever used in this act shall be held and construed to mean and include any member who shall have been retired and shall be entitled to receive an annuity under the provisions of this act. The word "director" whenever used in this act shall be held and construed to mean and include a regularly elected, qualified and acting member of the board of school directors of a school district of the first class. The word "trustees"

Meaning of terms.

Teacher.

Member.

Annuitant.

Director.

whenever used in this act shall be held and construed to mean and include a regularly elected, qualified and acting member of the board of trustees of a teachers' retirement fund established under the provisions of this act. Trustees.

SEC. 2. Whenever a petition in writing is signed by an apparent majority of the teachers of any school district of the first class, and praying for the establishment of a teachers' retirement fund for such district, under the provisions of this act, shall be filed with the board of directors of such district, the board shall at its next regular meeting canvass such petition and if it be found to contain the valid signatures of a majority of the teachers of the district and to be in proper form, the board shall at the next regular meeting of the board, vote upon the question of establishing a teachers' retirement fund under the provisions of this act, in and for such district, and shall enter the result of such vote upon the minutes of the board and in case a majority of the board shall vote in favor thereof such fund shall be deemed established, but nothing herein contained shall be construed as preventing the filing of a new petition for the establishment of such fund, at any time after the expiration of one year from the date of the refusal of the board to establish such fund. Establishment of retirement fund.

SEC. 3. Every such fund established under the provisions of this act, shall be administered by a board of five trustees, two of whom shall be members of the board of directors of the district in which the fund is established, and three of whom shall be members of the fund, to be elected as hereinafter provided. Upon the establishment of the fund the board of directors shall elect two director trustees to serve until and for the term of one year from and after the second Monday in October next following the establishment of such fund, and thereafter shall annually at its first regular meeting in September, elect two director trustees for the term of one year from and after the second Monday in October next following such election: *Provided*, That no director trustee shall be eligible Administration of fund.

Director trustees.

Member
trustees.

to serve as trustee after he shall cease to be a director. Any vacancy in the office of director trustee shall be filled by the board of directors for the unexpired term. Upon the establishment of the fund the board of directors shall call an election to be held not less than one or more than two weeks from the date of establishment, at the office of the board of directors, at which the petitioners for such fund shall elect by ballot from among their number three member trustees, to serve until and for the respective term of one, two and three years from and after the second Monday in October next following the establishment of such fund, and thereafter the members of the fund shall annually, on the first Monday in October, elect one member trustee for the term of three years from and after the second Monday in October next following such election: *Provided*, That no petitioner shall be eligible to serve as trustee for more than ninety days after his election unless he shall become a member of the fund, and no member trustee shall be eligible to serve as such after he shall cease to be a member. Such annual election of the member trustee shall be called and held under the direction of and in the manner prescribed by the board of trustees. Any vacancy in the office of member trustee shall be filled by the board of trustees until such annual election, when the vacancy shall be filled by election for the unexpired term.

Organization
of board.—
Officers.

SEC. 4. On the Monday following the election of the first member trustees, the board of trustees shall meet and organize by the election of a president and a secretary to serve until and for the term ending one year from and after the second Monday in October next following the establishment of the fund, and thereafter shall annually on the second Monday in October elect said officers for the term of one year, and in case of a vacancy shall fill the same for the unexpired term. The secretary of the board of trustees may or may not be a member of the board. The trustees shall serve without pay, but the secretary, whether a trustee or not, shall receive such

reasonable salary as the board may authorize. The county treasurer, the county auditor and the prosecuting attorney of the county in which any such fund shall be established, shall be *ex-officio* treasurer, auditor and legal adviser, respectively, of such fund, and the board of trustees thereof, and shall be liable, respectively, upon their official bonds for the faithful performance of their duties under the provisions of this act, and shall serve without extra compensation: *Provided, however,* That in case of any controversy arising between the board of trustees and the board of directors, or the county treasurer, or county auditor, and whenever they shall deem it for the best interest of the fund the trustees are empowered to employ attorneys and pay reasonable fees for the services rendered, out of the retirement fund.

SEC. 5. The board of trustees shall hold regular meetings on the second Monday in October, January, April and July of each year, and may hold special meetings at the call of the president or three trustees, and may adjourn any regular meeting from day to day, or time to time, until the business before the board is completed.

SEC. 6. A place for the transaction of the business of the board of trustees and an office for the secretary, together with all necessary furniture and supplies, including books, records, blanks and forms as prescribed by the state bureau of inspection and supervision of public offices, and all necessary clerical assistance for transacting the business of the trustees and the secretary, shall be furnished at the expense of the district in which the fund is established, and the salary of the secretary shall be paid out of the retirement fund.

SEC. 7. At any time within one year from the date of the establishment of a fund as in this act provided, any teacher employed by the district at the date of the establishment of such fund, and any person who shall have been a teacher employed by the district within two years

prior to the date of the establishment of the fund and who shall have retired from service by reason of having become incapacitated for service in the public schools, and any person who having been a teacher in the district is holding office or is employed as state or county superintendent of schools in this state or as a deputy or assistant thereof or is absent on leave for professional preparation, may file with the secretary of the board of trustees, upon a blank to be furnished for that purpose, an application for membership in such fund, verified under oath by the applicant, and showing a detailed statement of the applicant's service as a teacher in the district, in this state and elsewhere, giving the years and months of service in each, respectively, and shall file with such application, upon blanks to be furnished for the purpose, such proof of service certified by the clerk, or other officer having charge of the records of the district where the service was rendered, as may be required by the board of trustees.

SEC. 8. All applications for membership shall be considered by the board of trustees at the next regular meeting after the same are filed, or at a special meeting called for that purpose before the next regular meeting, and, if the application is found to be in proper form and accompanied by the proof required by the trustees, the applicant's name shall be entered upon the membership register of the fund together with the respective totals of years and months of service allowed, in the district, in this state, and elsewhere, respectively, and a certificate of membership showing the date of issue and the former teaching service allowed, shall be delivered to the applicant and a duplicate thereof transmitted to the secretary of the district, who shall cause the same to be entered upon the records of the district. In making allowance for former service, a year of service shall be a legal school year where the service was rendered and fractions of years of service may be counted in computing the total years of service when the sum of such fractions equals one or more years.

Certificates
of mem-
bership.

SEC. 9. Every teacher entering the employment of a district after a fund has been established therein, shall become a member of such fund by virtue of such employment, and it shall be the duty of the secretary of the district, at the time a new teacher is employed, to file with the secretary of the fund a notice in writing stating the name of the teacher and the date when the employment begins, and to notify the teacher in writing of the provisions of this act with reference to membership in the fund and that an application for credit for former service, on a form to be furnished for that purpose, may be filed with the secretary of the fund within ninety days from the date of the beginning of such employment. In case such application is filed within ninety days the same shall be considered by the board of trustees and credit allowed and certificate of membership issued as in the case of original applications for membership. In case such application for credit for former service is not filed within ninety days, the teacher's name shall be entered upon the membership register of the fund without credit for former service and a certificate of membership without such credit issued as in the case of original applications for membership.

Membership
of new
teachers.

SEC. 10. It shall be the duty of the board of directors to assess against and deduct from the salary of each member of the fund employed by the district, membership dues at the following rates, to-wit: Twelve dollars (\$12.00) per year up to and including the tenth year of total service; twenty-four dollars (\$24.00) per year from and including the eleventh and up to and including the twentieth year of total service; and thirty-six dollars (\$36.00) from and including the twenty-first year of total service, until the total contribution of the member to the fund shall equal seven hundred and twenty dollars (\$720.00). Said assessments and deductions to be made in two equal semi-annual installments from the salary of such member earned in the months of October and April, respectively, of each school year: *Provided*, That in case

Member-
ship dues.

Deduction
from salaries.

any member shall be discharged or shall retire from employment of the district the membership dues for the months since the last semi-annual installment shall be deducted from the salary earned in the last month of service in the district. A receipt for the amount deducted, signed by the secretary of the board of directors, shall be delivered to the member, with the warrant for the installment of salary from which the deduction is made. It shall be the duty of the secretary of the board of directors, on or before the tenth day of November and May respectively in each year, to draw a warrant upon the county treasurer payable out of the general fund of the district and in favor of the retirement fund of the district, for the total amount of deductions made during the preceding six months, which warrant shall be presented to the county treasurer, who shall transfer the amount of such warrant from the general fund of the district to the retirement fund. Every member of the fund holding office or being employed as state or county superintendent of schools, or as deputy or assistant thereof, and every member of the fund granted a leave of absence for professional preparation, by the board of directors, may on or before the fifth day of November and May, respectively, of each year, pay to the county treasurer, for the benefit of the fund, a like amount as is hereinabove required to be deducted from the salary of a member employed by the district, and take the treasurer's receipt therefor.

Transfers
from general
to retire-
ment fund.

SEC. 11. It shall be the duty of the secretary of the district, at the time of issuing the transfer warrants hereinabove provided for, to certify to the secretary of the fund the names of the teachers assessed and respective number of months of serving since the last certificate, and the respective amounts deducted from the salary of each. Upon receiving such certificate, it shall be the duty of the secretary of the fund to credit the members with the respective months of service and respective amounts contributed by each, in the proper columns of the membership register after their respective names. Each mem-

Credits for
services and
contributions.

ber of the fund not employed by the district or granted leave of absence for professional preparation by the board of directors, may on or before the 10th day of November, of each year, present his receipt from the county treasurer for his payment for the benefit of the fund, to the secretary of the fund, together with a verified statement of the amount and character of services rendered during the preceding half year, and it shall be the duty of the secretary to credit such service and contribution to such member on the membership register and endorse such credit on the receipt and return it to the member: *Provided*, That credit shall not be allowed a member absent on leave for professional preparation in excess of two years of total absence on such leave, or in excess of one year of absence on such leave in any ten year period of total service.

SEC. 12. The fiscal year of any retirement fund established under the provisions of this act shall begin on the first day of July in each year and end on the thirtieth day of June following, and it shall be the duty of the county treasurer, on or before the second Monday of July of each year, to certify to the board of trustees the balance of cash remaining in the fund at the close of the preceding fiscal year, and the face value of and the amount of interest accrued upon any securities belonging to the fund, and it shall be the duty of the treasurer, from time to time, upon written request of the trustees, to certify the amount of cash remaining in, and the face value of and the amount of interest accrued upon any securities belonging to the fund at any given date.

Fiscal
year.

Duty of
county
treasurer.

SEC. 13. It shall be the duty of the board of trustees, at its regular meeting in July of each year, to make an estimate of the total receipts of the fund for the current fiscal year, including membership dues, interest earned on securities belonging to the fund, and contributions transferred from other retirement funds in the state, and an estimate of the total disbursements from the fund during the current fiscal year, including retirement an-

Annual
estimate of
receipts and
disburse-
ments.

nunities, disability annuities, the secretary's salary, refunds to discharged members, payments to beneficiaries of deceased members, and contributions transferred to other retirement funds in this state.

Investment
of excess
moneys.

SEC. 14. If at any time it shall appear, to the board of trustees, that the balance of cash remaining in the fund, together with the estimated receipts for the remainder of the fiscal year, will exceed the estimated disbursements for the remainder of the year, in the sum of one thousand dollars (\$1,000.00) or more, it shall be the duty of the board of trustees to invest such excess in such bonds as are by law authorized for the investment of the permanent school funds of the state, and in such investment to give preference to school district bonds regularly created and issued. Upon such investment being authorized by the board of trustees, the secretary of the board shall draw a warrant on the fund for the amount so invested, and the bonds so purchased shall be deposited with the county treasurer whose duty it shall be to collect all interest payments falling due thereon, and the principal at maturity, and to credit the amounts so collected to the retirement fund. If at any time it shall appear to the board of trustees, that the cash remaining in the fund together with the estimated receipts for the remainder of the fiscal year will not meet the estimated disbursements as they shall fall due, it shall be the duty of the board to sell so many of the bonds belonging to the fund as will produce cash sufficient for that purpose.

Sale of
securities to
meet
necessary
expenses.

Credits for
re-entries
and transfers.

SEC. 15. Any member who leaves the employment of the district in which a retirement fund has been established under the provisions of this act, and subsequently re-enters the employment of such district, shall be entitled to credit for contributions previously made, and any member who leaves the employment of such district and enters the employment of another district in this state in which a retirement fund has been or shall be established under the provisions of this act, shall be entitled to have the amount such member has contributed to the fund of the

first district, but without interest thereon, transferred to, and shall be given credit therefor in the fund of the second district, and shall be entitled to have not more than three years of service in the first district credited as service in the second district in case the member shall apply for an annuity from the fund of the second district under the provisions of this act: *Provided*, That such transferred service shall not reduce the total amount of service required, or the amount of service required in this state.

SEC. 16. Any member of the fund who shall have been a teacher for a period of, or periods aggregating thirty years, embracing not less than two hundred and forty months of service, fifteen years of which service shall have been in the public schools of this state, and twelve years of which service shall have been in the district where such person is a member, shall be entitled, upon and during retirement from service in the public schools to receive a retirement annuity of four hundred and eighty dollars (\$480.00): *Provided*, That in case the credit for membership dues of such member, at the date of retirement, shall be less than the sum of seven hundred and twenty dollars (\$720.00), such member shall be credited with such annuity on the books of the fund until the total credits shall equal seven hundred and twenty dollars (\$720.00), and thereafter shall be paid such annuity, unless the member shall elect to pay into such fund the necessary amount to make up the total credit of seven hundred and twenty dollars (\$720.00), in which case the annuity shall be paid to the member: *And provided further*, That no retirement annuity shall be credited or paid until the expiration of one year from the date of establishment of the fund: *And provided further*, That any member of the fund who shall have been a teacher for a period of or periods aggregating thirty-five years, embracing not less than two hundred and eighty months of service, fifteen years of which shall have been in the public schools of this state, and who is employed as a teacher in the district at the time the fund is established, shall be

Length of
service
required.

Retirement
annuities.

entitled upon and during retirement from service in the public schools to receive an annuity of four hundred and eighty dollars (\$480.00).

Disability
annuity.

SEC. 17. Any member of the fund who shall have been a teacher for a period of, or periods aggregating ten years, embracing not less than eighty months of service, eight years of which service shall have been in the public schools of this state, and six years of such service shall have been in the district where such person is a member, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, for a period not to exceed two years, and any member of a fund who shall have been a teacher for a period of, or periods aggregating, twenty years, embracing not less than one hundred and sixty months of service, twelve years of which service shall have been in the public schools of this state, and ten years of such service shall have been in the district where such person is a member, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, so long as such member is incapacitated for service: *Provided*, That no disability annuity shall be paid for less than three months' incapacity, nor shall accrue until any sick benefit allowed by the district shall have ceased: *And provided further*, That no such disability annuity shall be paid until the expiration of one year from the date of the establishment of the fund.

Payment of
annuities.

SEC. 18. All retirement annuities shall be credited or paid in quarterly installments on the third Monday of

October, January, April and July, for the quarters ending on the first day of said months and shall accrue from the first day of the month next following the date of their allowance: *Provided*, The annuitant shall have retired from service on that date, otherwise from the first day of the month next following the date of retirement. All disability annuities shall be paid on the first day of the month next following the date of allowance for the amount accrued to that date, and thereafter in monthly installments on the first day of the month for the amount accruing for the previous month.

SEC. 19. In case there shall not at any time be sufficient funds to the credit of the retirement fund to pay annuities in full as they shall fall due they shall be paid *pro rata*. Annuities granted under the provisions of this act shall not be subject to attachment, garnishment, or seizure by execution in the hands of the board of trustees or the county treasurer, and such annuities shall not be subject to sale, assignment, pledge, mortgage or other alienation.

Pro rata
payments.

Exemptions.

SEC. 20. Any member of the fund who shall be discharged from the employment of the district where such person is a member, or who is refused further employment in the district where such person is a member, before such member is entitled to a retirement annuity, shall be entitled to be paid back, out of such fund, the amount such member has paid into such fund as membership dues, but without interest thereon, less such sum or sums as have been paid to such member as disability annuities.

Discharged
members
repaid dues.

SEC. 21. In case of the death of any member before such member has been retired and granted a retirement annuity, the beneficiary or beneficiaries, designated upon a form provided for that purpose, signed by the member, witnessed by two witnesses and filed with the secretary of the board of trustees, or in case no beneficiary is designated, then the legatee or legatees, or heir or heirs, of the member, as the case may be, shall be entitled to be paid

Payments in
case of death
of member.

out of the fund a sum equal to one-half of the difference between the entire amount such deceased member has paid into the fund as membership dues, and the entire amount which has been paid to such deceased member as disability annuities. And in case of the death of any member after such member has been retired and granted a retirement annuity, such beneficiary or beneficiaries, legatee or legatees, heir or heirs, as the case may be, shall be entitled to be paid out of the fund a sum equal to one-half of the difference between the entire amount such deceased member has paid into the fund as membership dues, and the entire amount which has been paid to such deceased member as and for disability and retirement annuities.

Verified
claims
against fund.

SEC. 22. All original claims for retirement annuities, disability annuities, refunds to discharged members, transfers to the retirement funds of other districts, and payments to beneficiaries, legatees or heirs of deceased members, shall be made in writing on forms to be furnished for that purpose, verified under oath by the claimant, and filed with the secretary of the fund, and shall be supported by such proof, by affidavit or otherwise, of the facts upon which the claim is based, as may be required by the rules and regulations adopted by the board of trustees. Upon the filing of any claim the secretary shall set the same down for hearing before the board of trustees at the next ensuing regular meeting of the board, or at a special meeting called for that purpose in case the board shall determine that an emergency exists, and notify the claimant of the date of the hearing, and shall, at such hearing, certify to the board the facts with reference to the years and months of service, of membership dues paid by, and previous payments made to, the member upon whose record the claim is based, as shown by the records in the office of the secretary.

Allowance
or rejection.

SEC. 23. If at the hearing it shall appear to the board that the claim is based upon sufficient facts, but is not in proper form or the requisite proof is not offered, the hearing may be adjourned for such reasonable time as the

board may determine. The final action of the board in allowing or rejecting any claim shall be by resolution of a majority of the members of the board and entered on the minutes, and in case the claim is allowed, the secretary at the expiration of ten days from the date of allowance, if no appeal is taken, shall draw the necessary warrant on the county treasurer payable out of the retirement fund, deliver the same to the claimant and take a receipt therefor, and enter the payment on the membership register. All subsequent payments of annuities shall be authorized by resolution of the board entered on the minutes, upon proper vouchers signed and verified by the annuitant as may be required by the rules adopted by the board, and the secretary shall draw the necessary warrant therefor at the expiration of five days from the date of authorization, if no appeal is taken, and deliver the same to the annuitant. All warrants issued by authority of the board of trustees shall be entered in a warrant register to be kept by the secretary, specifying the date, number, amount and name of the payee thereof, and the secretary shall on or before the fifth day of each month transmit certified copies of such warrant register from the preceding month to the county treasurer and the county auditor, respectively.

Resolution of board requisite of payment.

Warrant register.

SEC. 24. Any claimant feeling aggrieved by the action of the board in rejecting any claim, or any annuitant aggrieved by the action of the board in discontinuing the payment of any annuity, or any five members aggrieved by the action of the board in allowing any claim or continuing the payment of any annuity allowed, may, within ten days from the date of such action appeal therefrom to the superior court of the county in which the fund is established, by filing with the secretary a notice of appeal in writing, signed by the appellants and giving a bond to the fund, with sufficient security to be approved by the secretary, in the sum of fifty dollars (\$50.00), conditioned to pay all costs which may be adjudged against the appellants in the superior court, and in case the appeal is

Appeals to superior court.

taken by members, a copy of the notice of appeal shall be served upon the claimant or annuitant as the case may be. Upon the taking of an appeal, the secretary shall certify to the clerk of the superior court all papers and documents filed in the matter of the claim, together with a transcript of the record of the action of the board thereon, the notice of appeal and the appeal bond, and the matter shall be set down for hearing *de novo* before the court without a jury and heard in the manner provided by law for setting and hearing appeals from justices of the peace, except as hereinabove provided. Appeals from the decisions of the superior court may be taken to the supreme court of this state in the manner provided by law for taking appeals in equity cases.

Partial
invalidity.

SEC. 25. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication or [of] invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional.

Passed the Senate February 15, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 164.

[S. S. B. 315.]

AMENDMENTS OF GAME LAW.

AN ACT relating to game and game birds, standardizing the time of sunset in the State of Washington, and amending sections 5395-4, 5395-24, 5395-25, 5395-26, 5395-27, 5395-33 and 5395-35 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5395-4 of Rem. & Bal. Code be amended to read as follows:

County game
commission,
duties.

Section 5395-4. Said county game commission shall enforce the laws of the state within their respective coun-

ties involving the protection and propagation of all game birds, game animals, game fish and harmless birds and animals. Said county game commission shall have charge of:

1. The propagation and preservation of such varieties of game and game fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all county game and game fish hatcheries, including the control of grounds owned or leased for such purposes: *Provided*, That whenever any county game commission desires to establish a game fish hatchery it shall be the duty of the state fish commissioner to supervise the erection of such hatchery and the planting of any fish fry taken from such hatchery: *And provided further*, That no person in the State of Washington shall plant any game fish or game fish fry in any of the bodies of water in the State of Washington without the written consent of the state fish commissioner.

Fish
hatcheries.

4. The receiving from the United States commissioner or other person, and the gathering, purchase and distribution to the waters of this state of all game fish, spawn or fry.

5. The taking of game fish from the public waters of the state for propagation and stocking of other waters therein.

6. The seizure and disposition of all game birds, game animals and game fish, either taken, killed, transported or possessed contrary to laws, and of all dogs, guns, seines, nets, boats, lights or other instrumentalities unlawfully used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same.

7. The county game commission in their respective counties shall have the power and authority to set aside any of the state, school or granted lands, all waters lying below extreme low tide, all waters of meandered streams,

Game
preserves.

rivers and lakes lying beyond the outer harbor area, and such other lands as the individual owners thereof from time to time give their consent and approval in writing, as game preserves wherein no game bird or game animals or game fish can be caught or killed within the boundaries thereof, for such time and so long as they may see fit and proper.

Payment
of expenses.

8. The county game commissioners shall be paid out of the county game fund their actual traveling expenses when actually engaged in the transaction of their official duties and may expend from the county game fund of their respective counties a sum not to exceed twenty dollars (\$20.00) as a fee or dues to one organization of game wardens and game commissioners in the State of Washington, the purpose of which organization is the protection and propagation of game animals, game birds and game fish, and for the prosecution of violations of the laws of this state relating thereto, all payments made under the provisions of this act shall be made by county or state warrants respectively and all claims against the said county game fund shall be audited by the county game commission in their respective counties, and all claims against the state game fund shall be audited by the state game warden. The chief game warden and chief deputy state game warden shall also have authority, when occasion demands, each to appoint not more than two (2) deputy state game wardens and assign them to such places in the state as in their judgment they deem necessary. Such special deputies shall receive a per diem of not to exceed three dollars (\$3.00) per day and necessary traveling expenses. Such per diem and traveling expenses shall be paid from the state game fund.

Deputy state
game
wardens.

Opening and
closing of
seasons,
alteration.

9. Upon written application by the full membership of any county game commission to the state game warden, permission may be granted by the state game warden to shorten, close or open the season on any of the upland game birds of the state, in their respective counties. Notice of the time fixed for the opening and closing of the

season and the kind or kinds of birds included must be given by publication in a newspaper published and of general circulation in the county affected, not more than four weeks nor less than two weeks prior to the opening of said season or seasons, and by mailing a copy of said notice to each officer or person authorized to issue hunting licenses.

SEC. 2. That section 5395-24 of Rem. & Bal. Code be amended to read as follows:

Section 5395-24. It shall be unlawful at any time for any person to set, lay, prepare, or have in his possession, any trap, snare, artificial light, net, bird lime, swivel-gun or set-gun, or any contrivances whatever for the purpose of catching, taking or killing any of the game animals, or game birds in this state, except that decoys and blinds may be used in hunting wild ducks, geese or brant: *Provided*, That it shall be lawful at any time or in any place to hunt, take, shoot, kill or destroy any cougar, coyote, coon, wild cat, civet cat, lynx, skunk, mink, muskrat or weasel or other predatory animals on which a bounty is offered or paid: *Provided, further*, That nothing in this act shall be construed to prevent any person from trapping any of the fur-bearing animals which are not protected under the laws of the State of Washington upon his paying to the auditor of the respective county the sum of five dollars (\$5.00) as a license fee therefor: *Provided, further*, That it shall be unlawful for any person in the State of Washington to use a steel trap of a larger size than what is commonly known and called a number four (4) trap: *Provided, further*, That every person who sets out a trap of any kind larger than a No. 4 shall post a notice above said trap in plain sight, stating such fact, which notice shall be in English, and on a placard at least 6x10 inches in size: *Provided, further*, That this section shall not apply to the trapping of coyotes, muskrat, mink, skunk, marten, civet cats and weasels: *Provided, further*, That it shall be unlawful to hunt, take, or kill game squirrels commonly known as either gray squirrels, fox squirrels

Prohibited devices for taking game.

Licenses for trapping fur-bearing animals.

Size of traps.

Protection of squirrels.

or black squirrels at any time in the State of Washington. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 3. That section 5395-25 of Rem. & Bal. Code be amended to read as follows:

Section 5395-25. Every person who shall within the State of Washington, hunt, pursue, take, kill, injure, destroy or possess any ruffed grouse, Hungarian partridge, prairie chicken, sage hen, Chinese, English, golden, Mongolian, silver, black-neck, or Japanese pheasant, blue grouse, Franklin grouse, wild turkey, scaley partridge, Reeves pheasant, or any species of quail or any species of upland game birds, except as herein provided, shall be guilty of a misdemeanor: *Provided*, That in any of the

Grouse,
pheasants,
quail.

Open season
west of
Cascades.

counties lying west of the summit of the Cascade mountains, it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse, native pheasant, Chinese pheasant, blue grouse, ptarmigan and any species of quail between the first day of October and the fifteenth day of October, both dates inclusive, of the same year: *Provided*, That it shall be unlawful to hunt, pursue, take, kill or possess any species of quail in the counties of San Juan, Clallam, Clarke, Jefferson, Skagit, Snohomish, Skamania and Whatcom before the first day of October, 1919: *And provided further*, That it shall be unlawful at any time in the

Exception.

counties of Clallam, Kitsap and Skamania to hunt, pursue, take, kill or possess any Chinese pheasant: *Provided, further*, That in the counties lying east of the summit of the

Open season
east of
Cascades.

Cascade mountains, except in the counties of Walla Walla, Asotin, Garfield and Columbia, it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse between the first day of September and the fifteenth day of November, both dates inclusive, of the same year: *Provided, further*, That native pheasant shall not be so taken or killed in Yakima or Kittitas county: *Provided, further*, That in the counties of Walla Walla, Asotin, except in the precincts of Clarkston, South Clarkston and West Clarkston in said county of Asotin,

Exception.

and Garfield it shall be lawful to hunt, pursue, take, kill and possess ruffed grouse (native pheasant) and blue grouse from August fifteenth to October first, both dates inclusive of the same year, any species of quail from October first to October tenth, both dates inclusive of the same year: *Provided, further*, That it shall be unlawful to hunt, pursue, take, kill and possess any species of quail in the counties of Chelan, Columbia, Garfield, Okanogan, Whitman, Walla Walla, Franklin and Adams until the first day of October, 1919: *Provided, further*, That it shall be unlawful to hunt, pursue, take, kill or possess prairie chickens in the counties of Lincoln, Spokane, Whitman, Asotin, Columbia, Garfield, Walla Walla, Adams, Franklin, Grant and Douglas until the fifteenth day of September, 1919: *Provided, further*, That it shall be lawful to hunt, pursue, take, kill and possess Chinese pheasants in Benton, Yakima and Stevens counties between the first day of October and the fifteenth day of October, both dates inclusive, of the same year: *Provided, further*, That it shall be lawful to hunt, pursue, take, kill and possess prairie chickens in Stevens county between the fifteenth day of September and the first day of October, both dates inclusive of the same year: *Provided, further*, That it shall be unlawful to hunt, pursue, take, kill and possess Chinese pheasants in Spokane county until October first, 1919. In Kittitas county Hungarian partridge, sage hens and male Chinese or English pheasants may be taken from the first day of October to the tenth day of October, both dates inclusive, of the same year. In Okanogan and Ferry counties sharptail grouse (western prairie chickens) may be taken from the fifteenth day of September to the first day of November, both dates inclusive, of the same year. In Spokane, Stevens and Lincoln counties Hungarian partridge may be taken from the first day of October to the fifteenth day of November, both dates inclusive, of the same year. In Spokane county bob-white quail may be taken from the first day of October to the first day of November, both dates inclusive, of the same year. It shall

Penalty.

be unlawful to hunt, pursue, take, kill or possess blue grouse, in Spokane county until the first day of October, 1919. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 4. That section 5395-26 of Rem. & Bal. Code be amended to read as follows:

Bag limit for upland birds.

Section 5395-26. Every person who shall, during the season when it is lawful to hunt the same, kill, or have in possession, more than five (5) prairie chickens, grouse, partridge, Hungarian partridge, native pheasant, Chinese, English, golden, Mongolian, silver, blackneck or Japanese pheasant, or more than ten (10) quail or any or all kinds in any one day, shall be guilty of a misdemeanor: *Provided*, That no person shall in any one day kill, or have in possession, more than five (5) of the game birds mentioned in this section, it being the intention thereof to limit the bags of one day to five (5) birds, no matter how many varieties of these protected upland birds are included in the bag: *Provided, further*, That ten (10) quail may be killed, or had in possession, in one day during the season when it is lawful to hunt the same, but the limit of upland game birds, if quail are included in the same for one day, shall never exceed ten (10) upland birds, but in no event more than five (5) of the above named birds other than quail, and the limit of the bag for one week shall never exceed twenty-five (25) upland birds: *Provided*, That in Kittitas county, but two (2) male Chinese or English pheasants can be taken in one day in a bag limit of five (5) upland birds. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 5. That section 5395-27 of Rem. & Bal. Code be amended to read as follows:

Geese, ducks, brant.

Closed season.

Section 5395-27. Every person who shall, east of the summit of the Cascade mountains, between the thirty-first day of December and the fifteenth day of September, both dates inclusive of the same year, or who shall west of the Cascade mountains, between the sixteenth day of January and the thirtieth day of September, both dates inclusive

of the same year, hunt, pursue, take, kill, injure, destroy or possess any species of wild goose, brant, wild duck, coot or rail, except that those certain oyster feeding or fish or fish spawn feeding ducks or birds commonly known as scooters, blue bills, mergansers, kingfishers and grebes, may be killed in any manner at any time, or who shall within the State of Washington between the sixteenth day of January and the first day of October of the same year, hunt, pursue, take, kill, injure, destroy or possess any species of plover, snipe, sandpiper, curlews, avocets, stilts, turnstone, oyster-catcher, phalaropes, or other species of birds, except black-breasted and golden plover, jacksnipe or Wilson snipe, or greater or lesser yellow-legs, which may be hunted, pursued, taken, killed and possessed between the first day of October and the fifteenth day of December, both dates inclusive, of the same year, or shall hunt, pursue, take or kill, injure or destroy, any of the birds mentioned in this section after sunset or before sunrise, shall be guilty of a misdemeanor.

Plover,
snipe, etc.

Night
hunting.

SEC. 6. That section 5395-33 of Rem. & Bal. Code be amended to read as follows:

Section 5395-33. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have in possession or under control at any time, any elk, moose, caribou, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs except as herein provided: *Provided*, That one deer may be killed in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between October first and November fifteenth of the same year: *Provided*, That no person may kill more than one deer during the open season in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between Octo-

Deer, elk,
moose, moun-
tain sheep
and goats.

Open season
and bag
limit.

ber first and November fifteen of the same year: *Provided*, That only one deer may be killed by any individual in Kittitas county between October fifteenth and December first, both dates inclusive of said year: *And provided further*, That no person may kill more than two deer and one mountain goat from October first up to and including November first of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer, mountain goat or any part thereof may be had in possession by any person during the said time. No person shall kill or have in his possession during said time more than two deer or more than one mountain goat, or parts thereof: *Provided*, That in the counties of Whatcom, Skagit, and Snohomish it shall be unlawful for any individual to kill during the open season more than one buck deer or one mountain goat: *Provided, further*, That it shall be unlawful for any person to kill or have in his possession any deer in the counties of San Juan and Island prior to January 1st, 1921: *And provided further*, That any person who is lawfully in possession of any deer, mountain goat or any part thereof, may ship or cause to be shipped, any such deer, or mountain goat, or any part thereof, from place to place within the state: *And provided further*, That after the year 1925 male antlered moose and elk may be killed between October first and fifteenth of the same year, and such male elk or moose, or part thereof, may be had in possession by any person during the time aforesaid, but no person shall kill or have in possession during said time more than one male antlered elk or moose, or part thereof: *And provided further*, That any person desiring to retain any game bird, game animal or game fish, or any part thereof, for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating

Shipments.

Retention of
game out
of season.

the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging the same.

SEC. 7. It shall be unlawful to hunt, take, kill or trap, snare or destroy any black, brown or cinnamon bear between the first day of May and the first day of September of any year, except when any such bear becomes predatory, and destructive of domestic animals. Bears.

SEC. 7½. That section 5395-35 of Rem. & Bal. Code be amended to read as follows:

Section 5395-35. It shall be unlawful for any person to hunt, pursue, catch, kill or take any of the game animals, game birds or game fish protected by the laws of this state during the season when it is lawful to hunt, pursue, take or kill the same without such person having procured before the time of such hunting, pursuing, catching or killing, a hunting or fishing license therefor duly issued to him by the county or state authorities. Licenses
for hunting
and fishing.

The licenses provided for in this act shall be issued by the county auditors of the respective counties and shall be as follows:

(a) A resident of this state may obtain a hunting and fishing license by paying the county auditor the sum of one dollar (\$1.00) which shall entitle the holder thereof to hunt or fish within the county where such license is issued until the first day of March next following the date of its issuance, at any time when it is otherwise lawful to hunt or fish. County
license.

(b) Any person who is a resident of this state may obtain from any county auditor a state hunting and fishing license by the payment of five dollars (\$5.00), which license shall entitle the holder thereof to hunt and fish in any part of the state until the first day of March next following the date of its issuance, whenever it is otherwise lawful to hunt or fish within said state. State
license.

Non-resident's state license.

(c) A non-resident of the State of Washington may obtain a hunting and fishing license by paying to the county auditor the sum of ten dollars (\$10.00), which shall entitle the holder thereof to hunt and fish in any county in the state up to and including the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county.

(d) *Provided, however,* That a county fishing license shall entitle the holder thereof to fish in either side of any stream or river, when the said stream or river shall constitute the boundary between two counties.

County license.

(e) The county auditor shall, upon application and the payment of two dollars (\$2.00), issue to any non-resident of this state a license to take, catch, or kill any game fish in any lawful manner within the county where the license is issued, whenever it is lawful to take, kill, or catch any game fish.

Licenses non-transferable.

(f) Licenses issued under the provisions of this act shall be nontransferable, and any person hunting or fishing, shall upon demand of any warden or deputy warden, exhibit his license and a failure or refusal to exhibit such license shall be *prima facie* evidence that such person has no license.

Penalty.

(g) Any person hunting or fishing without having obtained the license herein provided for, or doing any other act, which by this act is declared to be unlawful, in cases where no other specific penalty is provided, shall be guilty of a misdemeanor.

Women, minors and civil war veterans.

(h) *Provided, however,* That nothing in this act shall prevent any woman, or minor under the age of sixteen years, who is an actual resident of this state, from fishing at any time when it is otherwise lawful to fish.

(i) *Provided, however,* That nothing in this act shall prevent any honorably discharged Union soldier who served in the civil war in the United States and who is an

actual resident of this state, from hunting or fishing at any time when it is otherwise lawful to hunt or fish.

Passed the Senate March 3, 1917.

Passed the House March 7, 1917.

Sections 1, 2, 3, 4, 5, 6, 7 and 7½ approved by the Governor March 17, 1917.

Sections 8, 9 and 10 vetoed by the Governor March 17, 1917.

CHAPTER 165.

[S. B. 30.]

LIENS FOR RENT DUE.

AN ACT providing for a lien for rent due and to become due, and for the enforcement thereof.

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

SECTION 1. Any person to whom rent may be due, his executors, administrators, or assigns, shall have a lien for such rent which is paramount to, and has preference over, all other liens except liens for taxes, general and special liens of labor and mortgages or conditional bills of sale duly recorded prior to tenancy upon personal property of the tenant which has been used or kept on the rented premises, except property of third persons delivered to or left with the tenant for storage, repair, manufacture or sale, and such property exempt from execution by the laws of the State of Washington. Such liens shall not be for more than two months' rent due or to become due, nor for any rent or any installment thereof which has been due for more than two months; that no writing or recording shall be necessary to create such lien; and if such property be removed from the rented premises and not returned to the owner, agent, executor, administrator, or assign said lien shall continue and be a superior lien on the property so removed for ten days from the date of its removal, and said lien may be enforced against the property wherever

Property
subject.

Extent
of lien.

found. In the event the property contained in the rented premises be destroyed by fire or other elements, the lien shall extend to any money that may be received by the tenant as indemnity for the destruction of said property, nor shall the lien be lost by the sale of the said property, except merchandise sold in the usual course of trade or to purchasers without notice of the tenancy. The provisions of this act shall not apply to, nor shall it be enforced against, the property of tenants in dwelling houses or apartments or any other place that is used exclusively as a home or residence of the tenant and his family.

Inapplicable
to dwelling
house
tenants.

SEC. 2. Said lien may be enforced in the same manner as the foreclosure of a chattel mortgage in the superior court of the county in which the property or any portion thereof is situated.

Enforcement.

Passed the Senate February 8, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 17, 1917.

CHAPTER 166.

[S. B. 181.]

ARMORY AT EVERETT.

AN ACT relating to the construction, equipment and furnishing of an armory for the use of the National Guard of Washington, at Everett; appropriating money from the military fund therefor, creating a commission to superintend the construction, equipment and furnishing of said armory, and authorizing the promulgation of rules and regulations for the government thereof.

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

SECTION 1. That for the purpose of constructing, equipping and furnishing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of one hundred thousand dollars (\$100,000.00) is hereby appropriated from the military fund for the construction, equip-

Appropriation,
\$100,000.

ment and furnishing of an armory in the city of Everett: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that title to such site shall be deeded to the State of Washington: *And provided further*, That the appropriation herein provided for, shall be available out of any moneys remaining in the military fund not otherwise appropriated, and after deducting the appropriations heretofore made for the construction of armories at Aberdeen and Walla Walla respectively.

Donation of
site to state.

SEC. 2. That for the purpose of erecting, completing, furnishing and equipping said armory, there is hereby created a commission to be known as the Everett armory commission, which said commission shall consist of three (3) members, comprised as follows: The adjutant general of the National Guard of Washington; one member of the state board of control, to be designated by the governor; and one other member, resident of said county, to be selected by the governor. Within ten (10) days after the taking effect of this act the members of said commission shall meet and organize. The adjutant general shall be chairman of said commission and said commission shall elect a secretary from among its members. The members of said commission shall act as such until the completion, acceptance, equipment and furnishing of said armory, and the consummation of all business relating thereto, and shall give bond to the State of Washington in the sum of five thousand dollars (\$5,000.00) conditioned upon the faithful performance of the duties imposed by this act, to be approved by the governor and filed with the secretary of state, the cost of said bond to be paid out of the money appropriated by this act. A majority of said commission shall constitute a quorum.

Armory
commission.

Bonds of
members.

SEC. 3. It shall be unlawful for any member of said commission to be connected, either directly or indirectly, in any manner whatsoever with any contract or part thereof, for the erection, equipment or furnishing of said armory or for any work connected therewith, or for the

Interest in
contracts
prohibited.

furnishing of any supplies, material or equipment therefor or to receive any benefit therefrom, either by way of commission, rebate, bonus, division of profits or otherwise, and any one of said members who shall violate any of the provisions of this act shall be guilty of a felony, and shall forfeit his right to and be removed from his place on said commission by the court in which he shall have been convicted. It shall be unlawful for said commission to employ any person in the supervision or superintendence of the building of said armory, or in any work connected therewith, who may or shall become in any manner connected, directly or indirectly, with any contract for the erection, equipment or furnishing of said armory, or for the furnishing of any supplies or material therefor; and said commission is hereby charged with the rigid enforcement of this provision of this act.

SEC. 4. After the organization of said commission as required by section 2 of this act, it shall be the duty of said commission to select without delay the most suitable site for said armory building which shall become available therefor within the said city of Everett, and thereafter to erect and construct said armory building upon said site so selected in accordance with the provisions of this act; to secure the submission of plans and designs appropriate to an armory to cost, equipped and furnished, not more than the amount specified in this act, and such additional sum, if any, as may be donated for the purpose of this act; to select the most desirable plan and design for said armory building, and for the equipment and furnishing thereof, and to obtain proper architectural drawings and specifications in conformity with such plan and design; to secure the erection, construction and completion of said armory building and the equipment and furnishing thereof, conforming faithfully to such plan and design and said drawings and specifications: *Provided, however,* That of the amount appropriated by this act not to exceed the sum of fifteen thousand dollars (\$15,000.00) thereof shall be

Selection of
site and
plans.

Construction
and
equipment.

used by said commission in the equipment and furnishing of said armory building.

SEC. 5. No construction, material, equipment or furnishings exceeding five hundred dollars (\$500.00) in amount shall be furnished except pursuant to bids advertised for in one daily paper for a period of ten days in said city where said armory is to be built. The bid of the lowest and best responsible bidder shall be accepted, saving that the said commission shall have the right to reject any and all bids. The performance of any contract shall be secured by a surety company bond to the State of Washington to a sum not less than one-half of the contract price, said bond to be conditioned for the faithful performance of said contract and to be approved by said commission. Each bid shall be accompanied by a certified check in the sum of five per centum (5%) of the amount of such bid. Said check shall be payable to the chairman of said commission, and shall be forfeited to the state for the use of the military fund upon failure of the bidder, for a period of ten (10) days after any contract is awarded, to enter into proper contract and furnish satisfactory bonds as required by law. Said commission shall in all contracts reserve the right, for good cause shown, to annul such contracts and to enter upon the premises and take possession for the purpose of completing the work comprehended under such contracts of all materials, tools and appliances thereon and to employ any other person or persons to finish said work and to provide the materials therefor. All said contracts shall further provide that in case of annulment thereof as aforesaid the contractor shall not be entitled to receive any further payment under such contracts until the work comprehended therein shall be wholly finished, at which time if the unpaid balance of the amount to be paid under said contract shall exceed the expenses incurred by the commission in finishing said work such excess shall be paid to the contractor, but if such expense shall exceed such unpaid balance the contractor shall pay the difference to the State of Washington for

Bids for
contracts.

Contractor's
bonds.

Annulment
of contracts.

Per centum withheld on monthly estimates.

the use of the military fund. Such a per centum (not less than twenty per centum (20%) as the commission shall deem proper shall be reserved from payment on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of said commission, and the directions, plans, drawings and specifications of the work executed and carried out by skilled and reputable architects, artists, mechanics and laborers, likewise to the satisfaction of the commission.

Architect.

Compensation.

Duties.

Interest in contracts.

Bond.

Disbursement certificates.

SEC. 6. The architect chosen by said commission shall receive such compensation for his plans, drawings, specifications and work of supervision as said commission shall deem reasonable: *Provided*, Such compensation shall in no event exceed five per centum (5%) of the cost of said armory building. He shall be supervising architect of said building and of all contracts for the construction, erection, equipment and furnishing thereof. He shall see that all material and equipment furnished and all work done is of the best quality, and that all contracts with said commission are faithfully performed by the parties so contracting with said commission. He shall perform all other duties devolving upon him as such architect and the supervising architect of said building and may be removed at the pleasure of said commission. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material or equipment furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish a surety company bond to the State of Washington in the sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

SEC. 7. All disbursements on account of the construction, equipment and furnishing of said armory provided for in this act shall be made pursuant to certificates is-

sued by said commission. All claims, bills and demands for labor performed, work done or material or equipment furnished shall be presented to the commission in triplicate and shall be passed upon by the said commission after a careful examination of every item named. If found correct they shall audit the same, preserving one copy and transmitting the other two copies, as audited and allowed, to the state auditor, and shall issue a certificate to the effect that the services have been rendered or materials or equipment furnished, and the person named therein is entitled to a warrant on the treasury for the amount therein named. Upon a presentation of said certificate and duplicate of the vouchers therefor, as audited and approved by said commission as herein provided, to the state auditor, said state auditor shall draw his warrant on the state treasury upon the military fund for the amount named in said certificate, and the state treasurer is hereby authorized to pay said warrant for the amount stated and to the order of the person named in said certificate: *Provided*, That no certificate shall be issued in excess of the amount appropriated for said armory. All certificates issued shall be recorded in a book kept by said commission for that purpose.

Warrants
issued on
certificates.

SEC. 8. The attorney general shall be the legal adviser of the commission herein constituted.

Legal
adviser.

SEC. 9. The commander-in-chief is hereby authorized to make such rules and regulations as he may deem expedient to govern said armory, but such rules and regulations shall conform to this act. When promulgated they shall have the same force and effect as this act.

Rules and
regulations.

Passed the Senate February 28, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 17, 1917.

CHAPTER 167.

[S. H. B. 249.]

APPROPRIATIONS AND BOND ISSUE FOR STATE CAPITOL PURPOSES.

AN ACT relating to the capitol buildings and grounds, the powers and duties of the state capitol commission and the issuance of bonds for state capitol purposes, and the sale of said bonds to the state or private persons, providing for a tax levy therefor, and making appropriations therefor, and repealing sections 1, 2 and 3 of chapter 191 of the Laws of 1915.

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

SECTION 1. The state capitol commission is hereby authorized and empowered to issue coupons or registered bonds of the State of Washington, payable only from the capitol building fund, in an amount not exceeding the amount of warrants and accrued interest thereon, now issued and outstanding against said capitol building fund, and the proceeds from the sale of said bonds shall be paid into said fund and shall be immediately applied to the payment of said warrants.

SEC. 2. There is hereby appropriated from the capitol building fund the sum of four hundred fifty thousand dollars or so much thereof as may be necessary, in order to pay and retire said warrants and interest, such appropriation to be available only in the event of the sale of the bonds as herein provided.

SEC. 3. Said bonds shall bear interest at a rate not to exceed four and one-half per cent per annum, and such bonds may be sold in such manner and in such amounts and at such times as the state capitol commission shall determine at the best price obtainable, but not for a sum so low as to make the net interest return to the purchaser exceed four and one-half per cent per annum, as computed by standard tables, upon such sum, or such commission may exchange any of such bonds at par for said warrants and interest.

SEC. 4. The state capitol commission is hereby authorized and empowered to sell said bonds to the State of

Bond issue for retirement of capitol building warrants.

Appropriation, \$450,000.

Sale or exchange of bonds.

State authorized to invest money of certain funds.

Washington for cash at not less than par, to be paid for out of any moneys in the hands of the state treasurer, which moneys shall have been set apart out of the accident fund for cases of injury resulting in death or permanent total disability as provided for in subdivision (e) of section 6604-5 and section 6604-26 of Rem. & Bal. Code and any and all acts amendatory thereof, and the state treasurer is hereby authorized and empowered to invest such moneys in said bonds, as well as in the class of securities provided by law for the investment of the permanent school funds.

SEC. 5. That the state capitol commission shall have power to amend or modify any of the plans and specifications heretofore authorized or adopted, or to adopt new plans and specifications for the location, construction and completion of buildings on the state capitol site, and may advertise for competitive plans.

Amendment
of building
plans.

SEC. 6. The state board of equalization is hereby authorized and required at its annual meeting to make a levy of one-half mill for capitol building purposes and the moneys derived therefrom shall be paid into a fund hereby created to be known as "Capitol Building Construction Fund," the moneys from such fund to be used for the purpose of acquiring lands heretofore authorized by law to be acquired for capitol building purposes, together with the lands bounded [by] Twelfth street on the south, Main street on the east, Eleventh street on the north and Water street on the west; if in the judgment of the capitol commissioners, the purchase of such land shall be advisable, erecting buildings at the state capitol, and the completion of buildings now in the course of construction, and the changing and altering of buildings acquired, and the payment of interest on warrants or bonds outstanding against the capitol building fund or issued against the capitol building construction fund.

Tax levy
for capitol
building
construction
fund.

Purchase of
additional
lands.

SEC. 7. There is hereby appropriated from said state capitol building construction fund the sum of one million (1,000,000) dollars.

Appropriation,
\$100,000.

Repayment
of tax levies
to state
treasury.

SEC. 8. All moneys derived from the tax levy herein provided for shall be deemed to be loans from the state, and shall be charged against the land grant for capitol purposes to the state from the general government, and as moneys are derived from the sale, lease or other disposition of said land grant, the advancements hereby provided for shall be repaid to the general fund of the state: *Provided*, That no moneys received from such sale, lease or disposition shall be returned to the state treasury until all warrants, bonds or other outstanding obligations against the capitol building fund shall have been paid.

Alteration of
high school
for state use.

SEC. 9. In the event of the acquisition by the state of block 86 of Sylvester's plat of Olympia, and the high school building situated thereon, the state capitol commission is hereby authorized and empowered to make such changes and alterations in said building so as to make the same suitable for the use of state officials.

Repealing
clause.

SEC. 10. Sections 1, 2 and 3 of chapter 191, of the Laws of 1915, are hereby repealed.

Passed the House March 2, 1917.

Passed the Senate March 5, 1917.

[Permitted to become a law without the signature of the Governor.—I. M. HOWELL, Secretary of State.]

CHAPTER 168.

[S. S. B. 90.]

ADOPTION OF PURE FOOD AND DRUG STANDARDS.

AN ACT facilitating the enforcement of the laws against adulteration and misbranding of foods and drugs, authorizing the commissioner of agriculture to adopt, publish and enforce standards of quality, purity and strength of foods and drugs, and rules and regulations governing the adulteration and misbranding of foods and drugs, and prescribing rules of evidence in prosecutions for violations of laws against the adulteration and misbranding of foods and drugs, or in proceedings for the condemnation of adulterated or misbranded foods and drugs.

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

SECTION 1. The commissioner of agriculture shall, from time to time, with the approval of the agricultural advisory board, adopt, publish and enforce reasonable and uniform rules and regulations against the adulteration and misbranding of foods and drugs, and shall adopt, publish and enforce, as the standards of this state, the standards of quality, purity and strength adopted and applied by the United States department of agriculture, in the enforcement of the laws of the United States against the adulteration and misbranding of foods and drugs, except in cases where other standards are specifically prescribed by the laws of this state.

Regulation
of misbrand-
ing and
adulteration.

U. S. stand-
ard adopted
by state.

SEC. 2. The standards of quality, purity and strength of foods and drugs, and the rules and regulations against adulteration and misbranding of foods and drugs adopted by the commissioner of agriculture, as in this act provided, shall be recorded and indexed by the commissioner of agriculture in well bound books to be kept in his office as public records, and shall take effect at the expiration of thirty days from the date of their adoption, and it shall be the duty of the commissioner of agriculture to cause said standards, rules and regulations, and the amendments and additional standards, rules and regulations adopted from time to time, to be published

Record of
standards.

Distribution
of rules.

in pamphlet form for general distribution to manufacturers and dealers in foods and drugs.

Prima facie
evidence of
adulteration
or mis-
branding.

SEC. 3. In any prosecution for the violation of the laws of this state against adulteration or misbranding of foods and drugs, and in any proceedings for the condemnation of adulterated or misbranded foods or drugs, it shall be competent to prove that the standards of quality, purity and strength adopted by the commissioner of agriculture, as in this act provided, have not been complied with, and proof of that fact shall be *prima facie* evidence of a violation of the law against the adulteration or misbranding of foods and drugs.

Passed the Senate March 1, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 19, 1917.

CHAPTER 169.

[S. B. 287.]

AMENDMENT OF FISHERIES CODE.

AN ACT amending sections 6, 12, 21, 23, 24, 25, 38, 46, 48, 51, 52, 54, 58, 63, 65, 66, 71, 77, 88, 93, 96, 99 and 100, and repealing section 60 of Chapter 31 of the Laws of 1915 of the legislature of the State of Washington, known as the "Fisheries Code" of said state, and adding thereto an additional section defining certain terms therein, and declaring an emergency.

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

SECTION 1. That section 6 of chapter 31 of the Laws of 1915 be amended to read as follows:

Duties of
fish com-
missioner.

Section 6. The commissioner shall devote his time to the duties of his office and shall enforce the laws for the propagation, protection and preservation of food, shell, game and commercial fishes. He shall purchase, construct, charter and operate the boats necessary to properly patrol the waters of the state in the enforcement of the laws. He shall have charge and control of and oper-

ate and maintain the fish hatcheries now or that may hereafter be owned by the state. He shall select and purchase suitable lands for hatchery purposes and build hatcheries thereon when so directed by the fish commission. He shall make an annual typewritten and a biennial printed report on the first day of April of each year to the governor, containing a detailed statement of his actions under this act, of the operation and result of the laws pertaining to the fish industry, the method of taking fish, the number of fish hatched and where distributed, the amount of expense incurred by his department, and full and complete statistics of the fishing business and suggestions as to needed legislation. He shall designate which are the food, shell, game and commercial varieties, when such designations are not specifically made by the laws of this state.

Reports.

SEC. 2. That section 12 chapter 31 of the Laws of 1915 be amended to read as follows:

Section 12. The commissioner may employ the following assistants to serve under his direction and during his pleasure:

(1) A general superintendent of hatcheries, who shall receive a yearly salary of eighteen hundred dollars (\$1800).

Hatchery
superin-
tendent.

(2) As many inspectors as he may deem necessary, who shall receive a compensation not to exceed four dollars and fifty cents (\$4.50) per day for each day actually employed. The fish commissioner may, whenever he deems the same advisable, designate any one of said inspectors as deputy fish commissioner, who may serve as such deputy fish commissioner during the pleasure of the commissioner.

Inspectors.

Deputy com-
missioner.

(3) The necessary employees for the conduct of the commissioner's office; for the operation of the department's patrol boats; for the maintenance and operation of the hatcheries, fish cultural and experimental stations; the patrolmen necessary for the protection of the state

Employees.

oyster, clam and shrimp reserves; and the employees necessary, in the judgment of the commissioner, to conduct the business of the fisheries department.

Compensation
and expenses.

(4) The employees of the commissioner shall be reimbursed their necessary traveling expenses, and the salaries and compensation of all employees not specifically designated shall be fixed by the commissioner.

SEC. 3. That section 21 of chapter 31 of the Laws of 1915 be amended to read as follows:

Fishing in
Chambers
creek.

Section 21. It shall be unlawful at any time to take any fish with any appliance whatsoever, except with hook and line, in Chambers creek, in the county of Pierce, and within one mile of the Northern Pacific Railway bridge located across the mouth of said creek.

SEC. 4. That section 23 of chapter 31 of the Laws of 1915, be amended to read as follows:

Willapa
harbor
tributaries.

Section 23. It shall be unlawful to take or fish for salmon, except with hook and line, in any of the following tributaries of Willapa harbor above tide water in said rivers, viz.:

North river, Willapa river, south fork of Willapa river, Nasel river, Palix river, Nema river, Bear river, Cedar river, and Smith creek, and for the purposes of this act the head of tide water shall be:

On North river, where the north boundary line of section 24, of township 15 north, range 10 west of the Willamette meridian crosses said river.

On Willapa river where Louderback's slough empties into the said Willapa river in the eastern portion of section 20, township 14 north, range 8 west of Willamette meridian.

On the south fork of the Willapa river, the draw bridge of the Northern Pacific Railway Company, being the center of lots 8 and 11 of section 24, township 14 north, range 9 west of the Willamette meridian.

On the Nasel river, at the gap in the main log boom.

On Cedar river, the mouth of said river, or the line between townships 14 and 15 north, ranges 10 and 11 west of the Willamette meridian.

On Palix river, where the south line of section 22, township 15 north, range 10 west of the Willamette meridian crosses said river.

On North Nema river, at the school house on lot 3 of section 22, township 12 north, range 10 west of the Willamette meridian.

On South Nema river, at what is known as Carruther's landing, being on the east and west half section line extending through section 27, township 12 north, range 10 west of the Willamette meridian.

On Bear river, at Masny's landing, on the half section line extending east and west through sections 7 and 8 of township 10 north, range 10 west of the Willamette meridian.

On Smith creek, at the mouth thereof, being where lots 1 and 2 of section 35, township 15 north, of range 10 west of the Willamette meridian abut upon the entrance of the Willapa harbor.

SEC. 5. That section 24 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 24. It shall be unlawful to take or fish for salmon, except with hook and line, in the following tributaries of Grays harbor: In Chehalis river, above point one-half mile below the mouth of Wynooche river, and one-half mile above the mouth of the Humptulips river, and one-half mile above the mouth of the Elk river, and one-half mile above the mouth of Johns river.

Grays harbor
tributaries.

From and after the passage of this act it shall be unlawful to erect any fish trap, pound net or fish wheel in any of the streams emptying into Grays harbor, Willapa harbor, or any of the streams of these districts, as by this act defined: *Provided, however,* The right to erect fish traps, pound nets or fish wheels on locations existing in said districts in 1914 is hereby recognized.

It shall be unlawful to fish in any river or stream emptying into the Pacific ocean between the north entrance to Grays harbor and Cape Flattery with any appliance whatsoever except gill nets and set nets, and it shall be unlawful to fish with any appliances in said waters between the hours of six a. m. Saturday and six p. m. Sunday of each week of each year.

SEC. 6. That section 25 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 25. It shall be unlawful to take or fish for salmon, except with hook and line, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Big White Salmon river, Wenatchee river, Methow river, Little Spokane river, Colville river and Yakima river, and in the Columbia river, within one mile below the mouths of the above named rivers: *Provided, however,* That the commissioner shall open the Yakima river to a point 400 feet below the Prosser dam to fishing by white people and Indians for food for themselves and their families only, said fishing to be carried on at such limited times and under such rules and regulations as shall be from time to time prescribed by the commissioner. No fish trap shall be located on or within three miles below the mouth of Lewis river, but fishing with gill nets is permitted in the Columbia river to a point within one mile below the mouth of the above named rivers and a quarter of a mile out from where the same empty into the Columbia river. It shall be unlawful for any person or persons, firm or corporation, to fish for salmon, sturgeon or other anadromous fish by means of devices known as purse seines in any of the waters of the Columbia river in the State of Washington or over which the State of Washington has concurrent jurisdiction, east of a certain line which shall be drawn from the present inshore end of the north jetty on the Columbia river to the knuckle of the south jetty on said river, which knuckle is approximately four miles westerly from the government dock at Fort Stevens. Said line will pass approximately three-eighths ($\frac{3}{8}$) of a mile

Columbia
river and
tributaries.

westerly from buoy No. 10, as shown on the Coast and Geodetic Survey No. 6151, dated January 5, 1917.

SEC. 7. That section 38 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 38. The commissioner shall immediately after this act takes effect proceed to definitely locate and chart at least five of the most productive of the herring spawning grounds in the waters of Puget sound and its tributaries in the State of Washington and particularly at Hadlock, Holmes harbor, Deception pass, Jackson cove, Hales pass, and Birch point, and shall mark the boundary of not fewer than five of the most productive of such spawning grounds to be designated by the commissioner by driving at least one pile or erecting at least one monument at either side at right angles with the shore of such spawning grounds, and thereafter it shall be unlawful to take herring in, over or upon the spawning grounds thus marked during the spawning season of such fish upon such grounds, such spawning season to be ascertained by the commissioner and to be promulgated by the commissioner and notice thereof shall be given by posting a copy of such rule printed on cloth upon the pile or monument marking the boundaries of such spawning grounds: *Provided, however,* That the commissioner may, in his discretion, locate and chart each year certain herring grounds, including herring grounds above reserved, and mark the boundaries thereof by monuments or piles and post notices thereon defining such boundaries, and on said grounds so located and charted fishing for herring alone with nets of a mesh not less than one and one-half (1½) inches stretched measure shall be permitted during such periods of each year as may be prescribed by the commissioner in notices posted by him on said piles or monuments.

Herring
spawning
grounds.

Taking during
spawning
season.

Permissive
fishing on
herring
grounds.

SEC. 8. That section 46 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 46. Any license may be assigned or transferred to any person or corporation entitled to hold a

Transfer
of licenses.

license under the provisions of this act and notice shall be given of such transfer or assignment within fifteen days from the date thereof to the commissioner who shall endorse the date of such notice on the license, for which the commissioner shall collect a fee of one dollar. If such notice be not given the license shall be void. The commissioner shall print on the back of each license a copy of this section and any assignee of a license who shall fail within fifteen days to give notice to the commissioner of the assignment of such license shall be guilty of a misdemeanor.

SEC. 9. That section 48 of chapter 31 of the Laws of 1915 be amended to read as follows:

Fisheries
fund.

Section 48. All license fees and fines collected under the provisions of this act, unless otherwise provided herein, shall be paid into the state treasury and placed in a fund to be known as the "fisheries fund," which shall not be used for any purpose other than for the propagation, protection, and perpetuation of food and shell fishes, and the administration and enforcement of the laws relating thereto. All unexpended balance thereof shall continue in such fund, unless otherwise disposed of by the legislature. The commissioner is directed to expend such funds, as nearly as may be, in the localities from which they are collected.

Monthly
remission
of fine
collections.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit the same to the state treasurer and shall at the same time furnish a statement to the commissioner showing the amount of fines so remitted and from whom collected.

SEC. 10. That section 51 of chapter 31 of the Laws of 1915 be amended to read as follows:

License fees.

Section 51. Licenses herein required shall be issued to any qualified person or corporation by the commissioner

upon application therefor and the payment of the license fees herein required.

For each pound net or fish trap license for taking Fish traps. salmon at both ends on Puget sound, one hundred dollars (\$100.00);

For each pound net or fish trap license on Puget sound for the taking of salmon, fifty dollars (\$50.00);

For each first-class pound net or fish trap license for the taking of salmon on the Columbia river, twenty-five dollars (\$25.00);

For each second-class pound net or trap license on the Columbia river, fifteen dollars (\$15.00).

A first-class trap is hereby defined to be a trap on the Fish traps defined. Columbia river that during the preceding season caught fish of the value of one thousand dollars or more, and a second-class trap, a trap on the Columbia river that caught during the preceding season fish of the value of less than one thousand dollars (\$1000.00).

For each pound net or fish trap license for taking salmon in Willapa and Grays harbor, fifteen dollars (\$15.00);

For each brush weir license for the taking of smelt Brush weirs. and herring, twenty-five dollars (\$25.00);

For each stationary fish wheel license for the taking Fish wheels. of salmon, thirty-five dollars (\$35.00);

For each scow fish wheel license for the taking of salmon, twenty-five dollars (\$25.00);

For each purse seine license, twenty-seven and fifty Purse seines. one-hundredths dollars (\$27.50). No purse seine shall be of greater length than 1900 lineal feet, including lead and attachment, measured on cork line when wet.

For each gill net license for the taking of salmon on Gill nets. Puget Sound of a length not to exceed 600 feet, five dollars (\$5.00); and for each additional lineal foot in length one cent. No gill net shall be operated on Puget Sound of a greater length than 3000 feet;

For each gill net license for the taking of salmon on the Columbia river, Grays harbor and Willapa harbor, seven and fifty one-hundredths dollars (\$7.50);

Reef nets. For each reef net, five dollars (\$5.00);

Drag seines. For each drag seine license, three cents per lineal foot: *Provided*, That in the waters of Puget Sound the rate shall be two cents per lineal foot;

Set nets. For each set net license for the taking of salmon, three and seventy-five one-hundredths dollars (\$3.75);

Any person may use a jigger in the taking of smelt or herring for the use of himself and family without any license therefor;

Bag nets. For each bag net license for the taking of smelt or herring, one dollar (\$1.00);

For each smelt drag bag net on Puget Sound not exceeding forty feet in length, one dollar (\$1.00); and each additional foot, two cents per lineal foot;

Beam trawl. For each license for beam trawl, ten dollars (\$10.00);

Hook and line. For each license to fish with hook and line, for commercial purposes in the Puget Sound, Grays harbor and Willapa harbor district one dollar (\$1.00);

For each license to fish with hook and line, for commercial purposes in the Columbia river district two dollars and fifty cents (\$2.50);

District to be specified. The license issued by the commissioner for the appliances hereinbefore mentioned shall specify the district wherein the license is to be used and no license for one district shall be used in another.

Crabs, clams, mussels. For each license to take crabs, one dollar (\$1.00);

For each license to take clams and mussels, one dollar (\$1.00);

Oysters for seeding. For each license to take oysters from the state reserves for seed purposes under regulations to be promulgated annually by the state fish commissioner, five dollars (\$5.00);

Dealing in hatchery fish. For each person, firm or corporation engaged in the business of buying and selling, packing and preserving, or otherwise dealing in trout or other food fish obtained

from private hatcheries of this state, two and fifty one-hundredths dollars (\$2.50) ;

For each restaurant or hotel keeper serving to guests trout or other food fish obtained from private hatcheries in this state, one dollar (\$1.00) ;

Restaurants.

For each private trout hatchery, twenty-five dollars (\$25.00) ;

Private hatchery.

For each codfish canning or curing establishment, five dollars (\$5.00) ;

Codfish cannery.

For each establishment for the manufacture of fertilizer, oil, meal, or other by-product from fish, twenty-five dollars (\$25.00) ;

By-product manufacture.

For each person, firm or corporation buying, selling or otherwise dealing in halibut as wholesaler or as a broker, five dollars (\$5.00) ;

Halibut dealers.

For each retail fish dealer, a license fee of one dollar (\$1.00) ;

Retail dealers.

For each fish broker and each wholesale dealer in fish, except halibut, and for each person engaged in freezing, salting, smoking, kippering, preserving in ice or otherwise, ten dollars (\$10.00) ;

Dealers in other than halibut.

For each person engaged in buying food fish for any person whomsoever, one dollar (\$1.00) ;

For each person, firm or corporation using scows, boats or other water craft in the buying of fish on the Columbia river, for each scow, boat or other water craft, a license fee of fifty dollars (\$50.00). This requirement shall not apply to scows, boats or other water craft used in buying fish for and transporting fish to canneries and packing plants that pay an annual license fee to the State of Washington of not less than one hundred dollars (\$100.00).

Fish buyers using boats.

Every person, firm or corporation engaged in canning salmon, shell or other food fish, shall procure a license from the commissioner before commencing the season's packing, and shall on or before the 30th day of November of each year pay to the commissioner as an annual license fee for all salmon, shell or other food fish

Canneries.

packed by him subsequent to the 31st day of March of each year and prior to November 30th of each year, and the 31st day of March of each year shall pay to the commissioner for all salmon, shell or other food fish packed by him subsequent to November 30th and prior to the 31st day of March of each year, two cents per case for each case of steel-head, blue-back, quinalt, or sockeye salmon, and one cent for each case of other varieties of salmon, except that he shall pay for each case of chinook salmon packed on the Columbia river prior to the 26th of August of each year five cents per case, and for each case of chinook salmon packed on the Columbia river after the 26th of August of each year four cents per case; and for each case of all other varieties of salmon packed on the Columbia river four cents per case; for each case of clams, clam nectar, crabs, shad, shrimp, and other food and shell fish, one cent per case.

"Case of fish"
defined.

For the purpose of this act a case of fish is defined to consist of forty-eight (48) one pound cans, bottles, or their equivalent in weight. The owner or licensee of any cannery, before beginning the operation of the same in any year and at the time of making application for his license, shall execute a good and sufficient bond to the commissioner in such sum as he may require, conditioned that he will pay or cause to be paid to the commissioner the license fees or charges for salmon, shad, crab, clam and other food and shell fish packed by him at the time and in accordance with the requirements of the foregoing paragraph, such bond to contain such other provisions as may be required by the commissioner.

Tonnage tax.

Each person, firm or corporation buying, selling or otherwise dealing in salmon and other food fish at wholesale caught in the Puget sound, Willapa harbor or Grays harbor districts, or as a fish broker, shall pay to the commissioner on or before the 31st day of July of each year one dollar (\$1.00) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on or before the 30th day of November of

each year, one dollar per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on the 31st day of March of each year shall pay one dollar (\$1.00) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months; each person, firm or corporation buying, selling or otherwise dealing in salmon and other food fish at wholesale caught in the Columbia river district, or as a fish broker in said district, shall pay to the commissioner on or before the 31st day of July of each year one dollar and twenty-five cents (\$1.25) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on or before the 30th day of November of each year, one dollar and twenty-five cents (\$1.25) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months, and on the 31st day of March of each year shall pay one dollar and twenty-five cents (\$1.25) per gross ton for each ton or fraction thereof so bought or handled during the preceding four months; and before beginning operations in any year, every such person, firm or corporation shall apply for a license therefor and at the time of making the application for such license shall execute a good and sufficient bond in such sum as may be required by the commissioner and subject to the approval of the commissioner, conditioned that at the time herein provided they will pay or cause to be paid to the commissioner the said license fees and charges and will make the reports provided by law, said bond to contain such other provisions as may be required by the commissioner: *Provided*, That no person, firm or corporation engaged in the canning business shall be required to pay such tax upon any fish caught or bought and canned by them, and no person, firm or corporation shall be required to pay such tax upon any fish caught and sold by them, nor shall such tax or charge be paid upon any fish ultimately canned; nor shall more than one tonnage tax be collected upon any particular quantity of fish.

Every person, firm or corporation engaged in freezing, salting, smoking, kippering, preserving in ice, curing, mild curing, or otherwise, shall, before beginning operations in any year, first obtain a license from the commissioner, as hereinbefore provided, and shall pay to the commissioner on or before the 31st day of July of each year, one dollar (\$1.00) per gross ton for each ton or fraction thereof so handled during the preceding four months: and on or before the 30th day of November of each year shall pay one dollar (\$1.00) per gross ton for each ton or fraction thereof so handled during the preceding four months; and on the 31st day of March of each year shall pay one dollar (\$1.00) per gross ton for each ton or fraction thereof so handled during the preceding four months; and each person, firm or corporation so engaged at the time of the application for such license shall execute a good and sufficient bond in such sum as may be required by the commissioner and subject to the approval of the commissioner, conditioned that at the times herein provided they will pay, or cause to be paid, to the commissioner the said license fees and charges, and will make the reports provided by law; said bond to contain such other provisions as may be required by the commissioner.

For the purpose of ascertaining the amount of the license fee required in each instance the commissioner shall determine the class and character of each appliance.

All gill net licenses issued by the State of Oregon shall be valid in the concurrent waters of the Columbia river in this state. The commissioner when issuing licenses for the Columbia river district shall furnish to the fisheries department of Oregon the name of all licensees and the number of their licenses.

Every person, firm or corporation operating any of the fishing appliances hereinbefore mentioned (except gill nets and set nets) which by the terms of this act are required to be licensed, shall, in addition to their license fees in this act provided, pay to the state for the food and

Recognition
of Oregon
licenses.

Royalties.

shell fish taken from the waters thereof as follows: For each one thousand or fraction thereof of chinook salmon caught in the Columbia river prior to the 26th day of August, of each year at the rate of five dollars (\$5.00) per thousand; and for chinook salmon caught in the Columbia river after the 26th, and for tyee, king, black-mouth or spring salmon, at the rate of three dollars (\$3.00) per thousand. For each one thousand or fraction thereof of chinook, tyee, king, black-mouth or spring salmon in Willapa harbor, Grays harbor and Puget Sound, at the rate of three dollars (\$3.00) per thousand.

For each one thousand or fraction thereof of steel-head salmon, at the rate of three dollars (\$3.00) per thousand.

For each thousand or fraction thereof of sockeye or blue-back salmon, at the rate of one dollars and fifty cents (\$1.50) per thousand.

For each one thousand or fraction thereof of silverside or coho salmon, chum or fall salmon at the rate of one dollar (\$1.00) per thousand.

For each one thousand or fraction thereof of hump-back or pink salmon at the rate of fifty one-hundredths dollars (\$.50) per thousand.

For each one hundred pounds or fraction thereof of smelt, herring or shad three cents.

For each one hundred pounds or fraction thereof of shrimp, fifteen cents.

For each sturgeon, seven and one-half cents.

For each gross of crabs, ten cents.

For each ton of clams, gross weight in shells, seventy-five cents.

SEC. 11. That section 52 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 52. Every owner of any fishing appliance, which by the terms of this act is required to be licensed, shall report to the commissioner under oath on blanks to be furnished by the commissioner, upon request on the last day of March, July and November of each year for

Reports by
licensees.

Payment of
charges and
additional
fees.

the four months preceding the date on which the report is made, stating the number of salmon, species stated separately, the number of crabs, sturgeon, pounds of smelt, herring, shrimps, clams and shad and other food fish caught during the preceding four months period together with the name of the person, firm or corporation to whom such fish were sold, with the number and quantity delivered to each purchaser, and shall at the same time remit the license charges and the additional fees as by this act provided, and every person, firm, or corporation engaged in preserving, salting, smoking, kippering, mild curing, curing, freezing, preserving in ice or otherwise, or in buying, selling, or otherwise dealing in food or shell fish caught within the waters of the state as fish brokers, wholesalers, or retailers, either as principal, agent or employee, shall on the same dates and for the same periods make reports to the commissioner stating the quantity in pounds of all fish preserved or cured or handled; and all purchases and sales made during the preceding period for which the report is made, the varieties stated separately, together with the name of the person, persons, firms or corporations from whom purchased and the place from which the fish were taken and the appliances with which the same were taken and at the same time shall remit to the commissioner the license charges and additional charges as provided by this act; and every person, firm or corporation engaged in any branch of the fishing industry, including oysters, clams and shell fish and including any by-product thereof shall on or before the 31st day of March of each year report to the commissioner in writing, upon blanks furnished by the commissioner upon request, the amount of capital invested in the business, the quantity and kind of equipment and the value thereof and where situated, the value of the product handled, the number of employees and the wages paid during the preceding year; and any person, firm or corporation who shall fail to make the reports in this paragraph provided and at the same time make payment of the amounts of

money due the state shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment, and the amounts owing by any such persons for license charges and additional charges shall become and constitute a first lien upon the fishing appliances of any such person and also a lien on the real and personal property of the person owing such sum or sums, from and after a notice of such lien on behalf of the state shall have been filed in the office of the county auditor in which the person owing such amount or amounts shall reside; the notice of lien to be filed by the commissioner shall be sufficient if it shall state the amount for which the lien is claimed and the person owing same. Every person, firm or corporation owning or operating codfish canning or curing establishments or owning or operating establishments for the manufacture of fertilizer, oil, meal or other by-product from fish or engaged in the buying, selling or dealing in halibut at wholesale or as a broker, shall make reports to the fish commissioner at the times and for the periods in this section provided, stating the quantity of fish with the species bought or sold or handled with the names of the persons from whom purchased and the waters from which taken, and also the quantity and value of all fish or fish by-products handled by them.

Penalty for failure.

Liens for charges due.

Reports by codfish, halibut and by-product establishments.

SEC. 12. That section 54 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 54. It shall be unlawful to take or fish for salmon, except with hook and line, in Puget Sound and in any of the rivers and streams emptying into it between the hours of four o'clock p. m. on Friday and four o'clock a. m. Sunday of each week of the months of July and August of each year, except with gill and set nets as herein provided. It shall be unlawful to take or fish for salmon with gill or set nets in any of said waters between the hours of six o'clock a. m. Saturday and six o'clock p. m. Sunday

Closed season on Puget Sound.

of each week of July and August of each year. It shall be unlawful to take or fish for salmon, except with hook and line, in any of the waters of Puget Sound or any river or stream flowing into the same north of a line extending from Brace point in King county to Point Southworth in Kitsap county and north of a line extending from Foulweather bluff in Kitsap county to Tala point in Jefferson county from November tenth to December tenth, both dates inclusive, in each year; and it shall be unlawful to take or fish for salmon in the tributary thereof known as Hoods canal and in any river or stream flowing into the same south of the lines above described between the sixteenth day of November of each year and the first day of January following, both dates inclusive; and it shall be unlawful to take or fish for salmon, except with hook and line, in Carr's inlet or in any of the waters southerly and westerly thereof or in any of the rivers or streams emptying into such waters, and for the purposes of this act such waters are bounded as follows: Beginning at Gordon point in Pierce county and running thence northwesterly to Hyde point on McNeil's island; thence northeasterly to Gibson point on Fox island; thence northwesterly along the south shore of Fox island to Green point in Pierce county, between the tenth day of November of each year and the fifteenth day of April of the year following, both dates inclusive; and it shall be unlawful to take or fish for salmon in any of the waters between the waters bounded and described in the preceding clause and a line beginning at Brace point in King county and running thence westerly to Point Southworth in Kitsap county, or in any of the rivers or streams emptying into such waters between the sixteenth day of November and the thirtieth day of November of each year, both dates inclusive, and between the eighteenth day of January and the fifteenth day of April of each year, both dates inclusive. And it shall be unlawful to take or fish for salmon, except with hook and line, in any of the said described waters or in any of the waters of Puget Sound

or in any rivers or streams flowing into such waters (wherein fishing is not otherwise prohibited by the provisions of this act) between the eighteenth day of January and the fifteenth day of April, both dates inclusive, of each year: *Provided*, That in the waters northerly of a line produced from Brace point in King county to Point Southworth in Kitsap county, except in the waters of Hoods canal, fishing with gill nets and set nets of a mesh not less than six and one-half ($6\frac{1}{2}$) inches stretch measure, shall be permitted between the nineteenth day of January and the last day of February, both days inclusive of each year. The commissioner shall designate by the erection of monuments and signs all of the above mentioned boundary points.

In the event that the Dominion of Canada or the Province of British Columbia shall enact and enforce laws prohibiting the taking of sockeye salmon above the Westminster bridge at all times and in Georgia straits and all the waters of Fraser river and its tributaries between the twenty-fifth day of August and the fifteenth day of September of each year, then it shall be unlawful to take or fish for sockeye salmon in any of the waters of Puget Sound between the twenty-fifth day of August and the fifteenth day of September, both dates inclusive, of each year, and any sockeye salmon taken between the last named dates in the waters of Puget Sound shall be liberated and nothing in this paragraph of this section shall be construed to prevent any person, firm or corporation from operating its fishing appliances for the catching of other varieties of salmon between the last named dates.

If the Province of British Columbia or Dominion of Canada shall prohibit and prevent the taking of salmon in Georgia straits and the Fraser river during a forty-eight hour weekly period in each even numbered year, beginning at six o'clock p. m. Friday and ending not earlier than six o'clock p. m. Sunday, then and in that event it shall be unlawful to take or fish for sockeye salmon by any means whatever except with hook and line, in any

Regulations
contingent
on British
Columbia
action.

of the waters of that portion of Puget Sound last described between the hours of eight o'clock p. m. Thursday and eight o'clock p. m. Saturday of each week in each even numbered year. In the event that this proviso becomes effective and during the years while in effect, it shall supersede and render inoperative the thirty-six hour closed period in this section first provided as to and in the waters above described.

If it shall be adjudicated that the foregoing proviso be unconstitutional and invalid for any reason, such adjudication of invalidity of such proviso or any part of this act shall not affect the validity of the act as a whole or any part thereof.

SEC. 13. That section 58 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 58. It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States or has declared his intention to become such and is and has been for twelve months immediately prior to the time he engages in such business an actual resident of this state or an adjoining state; but this section shall not apply to Indians.

Aliens
prohibited
taking fish
for sale.

SEC. 14. That section 60 of chapter 31 of the Laws of 1915 is hereby repealed.

Repealing
clause.

SEC. 15. That section 63 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 63. Throughout the weekly closed season prescribed in this act, each pound net or fish trap shall be closed by an apron placed across the outer entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the water, and shall be securely connected to the piles on either side of the heart of such trap or pound net, fastened by rings not more than two feet apart on taut wires stretched from the top to the bottom of the piles.

Traps,
how closed.

And such apron or the appliances by which it is raised and lowered shall be provided with such signals or flags visible at a distance of at least one-half mile from the trap which shall disclose that the trap is closed, which signal or flag shall be of the form and character as may be prescribed by the commissioner under regulations to be issued by him: *Provided*, That in addition to the foregoing requirements each pound net or fish trap in the Columbia river district shall be equipped with a V shaped opening in the lead of such trap or pound net, next to the entrance to the heart and immediately adjacent to the apron, of at least ten feet in width at the top and extending below the surface at least four feet below low water, which V shaped opening shall be open during the full period of each closed season.

Columbia
river reg-
ulations.

For the purpose of enforcing this regulation, the owner or operator of the fish trap or pound net in Puget Sound district shall constantly maintain, during the weekly closed season, a watchman, whose duty, among other things, it shall be to cause such pound net or trap to be closed as above provided. Any owner or operator of a pound net or fish trap, or any watchman violating any of the provisions of this section, either by failing to do any act or thing required, or by doing any act or thing prohibited by this section, shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not less than two hundred and fifty dollars (\$250.00), nor more than two thousand dollars (\$2000.00).

Duty of
watchman.

Penalty.

SEC. 16. That section 65 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 65. It shall be unlawful for any person, firm or corporation to purchase, handle, deal in or have in his possession except for the sole use of himself and family any food fish of any variety which were taken from the waters of this state during any of the closed seasons prescribed in this act, and any person who purchases, handles, deals in or has in his possession any such fish during such

Possession
during
closed
season.

penalty. periods, except for the sole use of himself and family, shall be guilty of a misdemeanor. And it shall be unlawful for any person, firm, or corporation to purchase, handle, deal in, or have in his possession, except for the sole use of himself and family any salmon fish of any variety which were taken beyond the three mile limit outside of the Columbia river, during any of the closed seasons prescribed in this act: *Provided, however,* That this provision shall not apply to salmon taken beyond the three mile limit outside the Straits of Juan de Fuca.

SEC. 17. That section 66 of chapter 31 of the Laws of 1915 be amended to read as follows:

Taking of young salmon prohibited. Section 66. Any person who by any means, except with hook and line for the sole use of himself and family, shall catch or take any salmon, or salmon trout of any variety less than fifteen inches in length, and who shall not immediately return the same alive to the water, or who shall buy or sell or offer for sale, or have in his possession any such fish shall be guilty of a misdemeanor.

SEC. 18. That section 71 of chapter 31 of the Laws of 1915 be amended to read as follows:

Taking salmon below dams prohibited. Exception as to steelheads. Section 71. It shall be unlawful to catch, kill or in any manner destroy, any salmon on or within one mile below any rack, dam or other obstruction erected across any river or stream, except that it shall be lawful for any person to take any steelhead salmon, with hook and line, for his own use or for the use of his family, at any point not less than four hundred feet below any such rack, dam or other obstruction, in any river or stream on which there is no fish hatchery or eyeing station.

SEC. 19. That section 77 of chapter 31 of the Laws of 1915 be amended to read as follows:

Screening of intakes. Section 77. Every ditch, channel, canal or water pipe used for conducting water from any lake, river or stream, where any state fish hatchery is located, for irrigation, manufacturing, domestic or other purposes, shall be provided at its entrance or intake with a fish guard so

fixed as to prevent the passage of fish into such ditch, channel, or water pipe and subject to the approval of the commissioner, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal or water pipe: *Provided*, That such fish guards and screens shall be installed at such places and times as shall be prescribed by the commissioner upon thirty days notice to the owner or owners of any such water conduit. Every owner, manager, agent or person in charge of such ditch, channel, canal or water pipe who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Penalty for failure.

Each day the end of the ditch, channel, canal or water pipe is not equipped with this covering as provided shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal or water pipe such person shall fail to do so, the commissioner is hereby authorized to take possession of the same in the name of the State of Washington and to close the same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal or water pipe and upon the real and personal property of the person or persons, firm or corporation owning the same. Notice of such lien shall be filed and recorded in the office of the county auditor in the county in which such action is taken.

Each day separate offense.

Lien for commissioner's expense closing intakes.

SEC. 20. That section 88 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 88. Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act. The state fish commissioner is hereby authorized each year to sell to any person, firm or corporation engaged in the business of conducting a pri-

Private hatchery defined.

Sales of spawn to private hatcheries.

vate fish hatchery, salmon spawn to an amount not to exceed twenty per cent (20%) of the eggs taken from any species at a price not to exceed seventy-five cents (75c) per thousand.

SEC. 21. That section 93 of chapter 31 of the Laws of 1915 be amended to read as follows:

License fees
for buying
hatchery fish.

Section 93. Every person, firm or corporation buying or selling, packing or preserving, or otherwise dealing in trout or other food fish obtained from private hatcheries in this state shall procure a license for such business from the commissioner and pay therefor a license fee of two dollars and fifty cents (\$2.50), and every restaurant or hotel keeper serving the same to guests shall procure a license for such business from the commissioner of the state and shall pay an annual license fee of one dollar (\$1.00).

SEC. 22. That section 96 of chapter 31 of the Laws of 1915 be amended to read as follows:

Destruction
of seals and
sea lions.

Section 96. The commissioner shall have the power and it shall be his duty to cause his employees to kill and destroy seals and sea lions in the waters of the State of Washington and he shall have the authority to expend such moneys as may from time to time be appropriated by the legislature for such purposes and he shall keep an accurate record of the number of seals and sea lions that are so destroyed.

Bounties.

Any person killing or causing to be killed within the waters of the Columbia river district any common seal or any sea lion, shall be entitled to receive a bounty of three dollars (\$3.00) from the moneys appropriated for such purposes by the legislature of Oregon or the legislature of Washington, for each seal or sea lion so killed. All moneys appropriated for such purpose by the legislature of this state shall be paid out under the supervision of the state fish commission upon vouchers approved by the commissioner, and the state fish commission shall adopt rules and regulations providing for the proof of such killing and the surrender and destruction of the scalp of such

seal or sea lion. The state fish commissioner may, in his discretion, enter into an agreement with the duly authorized authorities of the state of Oregon for the joint expenditure of appropriations made by the legislatures of the states of Washington and Oregon under such regulations as may be prescribed in such agreement.

SEC. 23. That section 99 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 99. It shall be unlawful for any person or persons whomsoever to take or dig clams from the beaches of the Pacific ocean in this state or from the beaches of Grays harbor or Willapa harbor, or to have in their possession if the same have been taken for the purpose of canning or for sale, between the first day of June of each year and the first day of March of the following year, both dates inclusive, or to take or dig clams at any time except with fork, pick or shovel operated by hand.

Clams, closed season on ocean and harbor beaches.

On or before the first day of February of each year the commissioner may reserve and withdraw for said year from use for the taking of clams such portion of the tidelands owned by the state and such portion of the beaches of the Pacific ocean as he may deem necessary, and shall give notice of such reserve and withdrawal from use by publication for one week in a newspaper published in the county in which such tideland or beach is situated, such notice to be given within ten days after making such reserve or withdrawal; and it shall be unlawful for any person or persons whomsoever to take or dig clams except for the use of himself and family from any tidelands or beaches so reserved or withdrawn by the commissioner from and after the first of March of each year in which such notice shall be published: *Provided*, That nothing herein shall be construed to prevent the state from selling or leasing any of its tide lands in the manner now provided by law: *And provided further*, That if any of the tide lands of the state are sold or leased which are included within the reservation or withdrawal herein provided for,

Withdrawal of ocean beaches from use for digging.

that the said reservation shall thereupon cease to be effective as to said tide lands when sold or leased.

Taking
for family
consumption
and bait.

Nothing in this section shall prevent the taking of clams for the consumption of the taker or his family or guests at all times without a license, and nothing in this section shall prevent the holder of a crab fishing license or any persons designated by him from taking clams for use as bait only between the first day of October and the thirty-first day of May following, upon the payment of a special license fee of one dollar (\$1.00) for each such digger of clams.

SEC. 24. That section 100 of chapter 31 of the Laws of 1915 be amended to read as follows:

Clams and
mussels on
Puget
Sound.

Section 100. It shall be unlawful for any person to take or dig clams or mussels from any of the tidelands abutting on Puget Sound or from the waters of Puget Sound below the line of low tide, or have them in his possession, if the same have been taken for the purpose of canning or selling, between the first day of April and the first day of September of each year, or to take or dig clams or mussels at any time except with fork, pick or shovel, operated by hand: *Provided*, That nothing in this section shall prevent the taking of clams or mussels by the taker for the consumption of himself or family or guests at all times, without a license.

Emergency.

SEC. 25. This act is necessary for the immediate support of the state and for the immediate preservation of the public peace, health and safety, and shall take effect March 31st, 1917.

Passed the Senate February 23, 1917.

Passed the House March 7, 1917.

Approved by the Governor March 19, 1917.

CHAPTER 170.

[S. B. 176.]

AMALGAMATION OF STREET RAILWAY PROPERTIES.

AN ACT relating to the amalgamation of street railway properties by consolidation, sale, lease or otherwise.

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

SECTION 1. With the consent of the majority in interest of their shareholders, two or more corporations operating street railway lines within or in the suburbs of the same municipality, may amalgamate their businesses and properties by consolidation, sale, lease, or other appropriate means, and either by conveyance to a third corporation or one to the other.

Passed the Senate February 23, 1917.

Passed the House March 5, 1917.

Approved by the Governor March 19, 1917.

CHAPTER 171.

[H. B. 393.]

GENERAL APPROPRIATIONS.

AN ACT making appropriations for the purchase of land for, construction of buildings at; for maintenance of and sundry expenses at the various state institutions, schools and state offices, and for the sundry civil expenses of the state government, and for miscellaneous purposes for the fiscal term beginning April 1, 1917, and ending March 31, 1919, except as otherwise provided, and making appropriations for certain deficiencies, and declaring this act shall take effect April 1, 1917.

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

SECTION 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of any monies in the several funds of the state treasury hereinafter named in payment of the salaries of certain officers and employees of the state and for

the operation and maintenance of, and construction of buildings at, and other expense for, the various state institutions and officers hereinbelow designated and mentioned, and for the other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1917, and ending March 31, 1919, and as hereinafter or otherwise particularly specified the amount appropriated for all buildings for state institutions, whether penal, charitable, educational or reformatory, to be expended under the direction of the board having control.

SEC. 2. The captions, "Salaries and Wages" and "Supplies, Material and Service" include all expense incident to the "Operation and Maintenance" of institutions and departments. Expenditures are of two classes, viz.: Outlay (New Construction and Equipment) and Operation and Maintenance (Running Expense). The first relates to the purchase of property, buildings, lands and equipment and the making of new improvements. Whatever creates additional value, *i. e.*, augments the state's assets, is an "Outlay" as herein considered. The term "Operation and Maintenance" is applied to simply operating the machinery of government and keeping it in running order—any transaction which does not produce a betterment or increase over and above the original value belongs under this head.

FROM THE GENERAL FUND:

FOR THE GOVERNOR'S OFFICE.

Governor.	Salary of governor.....	\$12,000 00
	Salaries of employees, traveling expenses, postage and incidentals	17,000 00
	Extrastatutory expenses, examination into alleged infractions of the law and rewards.....	12,500 00
	Investigation purposes and for survey of public lands..	5,000 00
	Preparation of budget by state board of finance.....	500 00
	Printing	1,500 00
		\$48,500 00

FOR THE GOVERNOR'S MANSION.

Vetoed E. L.	{	Maintenance, furnishings, repairs, improvements and entertainment, to be disbursed on vouchers approved by governor.....	\$9,000 00
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FOR THE LIEUTENANT GOVERNOR'S OFFICE.

Salary of lieutenant governor.....	\$2,400 00	Lieutenant Governor.
Hotel bills, while acting governor and during sessions of the legislature and traveling expenses.....	500 00	
	\$2,900 00	

FOR THE OFFICE OF SECRETARY OF STATE (MAIN OFFICE).

Salaries and wages:

Salary of secretary.....	\$6,000 00	Secretary of State.
Salary of assistant secretary.....	4,200 00	
Salary of auditor and cashier.....	3,600 00	
Clerk hire	21,500 00	
Supplies, material and service.....	12,850 00	
Capital outlays	2,500 00	
	\$50,650 00	

FOR THE OFFICE OF SECRETARY OF STATE (ELECTION DIVISION).

Initiative and referendum, clerk hire, postage, printing, express, traveling expenses and incidentals....	\$75,000 00	Election division.
Salary of the superintendent shall not exceed \$4,000.00 for the biennium.		

FOR THE SECRETARY OF STATE (WEIGHTS AND MEASURES DIVISION).

Salaries and wages:

Deputy superintendent	\$4,200 00	Weights and measures division.
Inspector	3,000 00	
Supplies, material and service.....	4,500 00	
	\$11,700 00	

FOR THE SECRETARY OF STATE (MOTOR VEHICLE DIVISION).

Salaries and wages:

Deputy	\$3,600 00	Motor vehicle division.
Clerk hire	26,400 00	
Supplies, material and service.....	137,894 00	
Capital outlays	900 00	
	\$168,794 00	

FOR THE SECRETARY OF STATE (STATISTICS, IMMIGRATION AND PUBLICITY DIVISION).

Salaries and wages:

Deputy commissioner	\$4,200 00	Statistics and publicity division.
Clerk hire	7,800 00	

Supplies, material and service.....	\$17,200 00
Special publicity fund to be spent in conjunction with Oregon and British Columbia for advertising the tourist attractions of the northwest. Appropriation subject to Oregon appropriating, or by public subscription an equal amount and British Columbia half the amount here appropriated.....	45,000 00
	<hr/>
	\$74,200 00

FOR THE OFFICE OF STATE TREASURER.

Salaries and wages:		
State Treasurer.	State treasurer	\$6,000 00
	Clerk hire	14,400 00
	Supplies, material and service.....	5,310 00
	Capital outlays	500 00
		<hr/>
		\$26,210 00

FOR THE OFFICE OF STATE AUDITOR.

Salaries and wages:		
State Auditor.	State auditor	\$6,000 00
	Assistant state auditor.....	4,800 00
	Deputy state auditor.....	3,600 00
	Clerk hire	19,600 00
	Supplies, material and service.....	7,000 00
	Capital outlays	850 00
		<hr/>
		\$41,850 00

FOR THE BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Vetoed E. L.	}	Salaries and wages:	
		Deputy inspectors, clerk hire and examining state institutions and departments.....	\$31,400 00
		Supplies, material and service.....	12,000 00
		Capital outlays	300 00
		<hr/>	\$43,700 00

FOR THE ATTORNEY GENERAL'S OFFICE.

Salaries and wages:		
Attorney General.	Attorney general	\$6,000 00
	Assistants, clerk hire and stenographers.....	43,180 00
	Supplies, material and service.....	18,820 00
		<hr/>
		\$68,000 00

FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salaries and wages:

Superintendent	\$6,000 00	Superintendent of Public Instruction.
One assistant superintendent.....	4,000 00	
One deputy superintendent.....	4,000 00	
One executive secretary.....	2,160 00	
Clerk hire	6,000 00	
Supplies, material and services.....	23,850 00	
Capital outlays	150 00	
Rural school extension.....	6,000 00	
High school supervision.....	7,500 00	
State board of education.....	2,000 00	
Industrial and agricultural work.....	10,000 00	
	<hr/>	
	\$71,660 00	

FOR THE OFFICE OF COMMISSIONER OF PUBLIC LANDS.

Salaries and wages:

Commissioner	\$6,000 00	Commissioner of Public Lands.
Assistant commissioner	4,800 00	
Auditor and cashier.....	3,800 00	
Secretary of board.....	3,600 00	
Engineers, draughtsmen, clerks, abstractors and stenographers	90,344 00	
Supplies, material and service.....	52,456 00	
Capital outlays:		
Repairs on buildings on state property, two new automobiles and office equipment.....	3,000 00	
Expenses to complete work in connection with examination, appraisal and selection of lieu lands under the provisions of chapter 102, Laws of 1913	15,000 00	
Reappropriation of unexpended balance of 1915-1917 appropriation	15,000 00	
	<hr/>	
	\$194,000 00	

FOR THE STATE INSURANCE COMMISSIONER'S OFFICE.

Salaries and wages:

Commissioner	\$6,000 00	Insurance Commissioner.
Deputy commissioner and other employees.....	39,000 00	
Supplies, material and service.....	20,000 00	
Capital outlays	1,000 00	
Examination of insurance companies.....	10,000 00	
Investigation of supposed incendiary fires.....	10,000 00	
	<hr/>	
	\$86,000 00	

FOR THE SUPREME COURT.

Salaries and wages:		
Supreme Court.	Nine judges	\$108,000 00
	Clerk	6,000 00
	Deputy clerk	3,600 00
	Clerks and stenographers.....	27,640 00
	Supplies, material and service.....	11,160 00
	State bar examiners.....	1,500 00
		<hr/>
		\$157,900 00

FOR THE REPORTER'S OFFICE.

Salaries and wages:		
Reporter.	Reporter	\$7,000 00
	Proof reader and clerk hire.....	7,600 00
	Supplies, material and service.....	5,400 00
		<hr/>
		\$20,000 00

FOR THE STATE LAW LIBRARIAN.

Salaries and wages:		
Vetoed E. L. }	Law librarian	\$6,000 00
	Assistant law librarian.....	3,000 00
Law Library.	Assistant law librarian.....	2,400 00
	Supplies, material and service.....	5,800 00
Capital outlays:		
	Books	10,000 00
	Furniture and shelving.....	1,200 00
		<hr/>
		\$28,400 00

FOR THE SUPERIOR COURTS.

Salaries and wages:		
Superior Courts.	Forty-five judges at \$1,500.00 per year.....	\$135,000 00
	Judges <i>pro-tem</i>	1,000 00
	Supplies, material and service.....	6,000 00
		<hr/>
		\$142,000 00
	For criminal cost bills.....	\$30,000 00

FOR THE STATE BOARD OF CONTROL.

Salaries and wages:		
Board of Control.	Three members	\$18,000 00
	Clerks and stenographers.....	10,200 00
	Supplies, material and services.....	15,300 00
		<hr/>
		\$43,500 00
	Parole department	\$25,000 00
	Transportation of incorrigibles, convicts and insane...	\$60,000 00
	Deportation of alien and non-resident insane.....	\$35,000 00

FOR THE CAPITOL BUILDING AND GROUNDS.

Salaries and wages.....	\$24,200 00	Capitol building.
Supplies, material and services and foundation shed..	17,800 00	
	\$42,000 00	

FOR THE TEMPLE OF JUSTICE.

Salaries and wages.....	\$8,400 00	Temple of Justice.
Supplies, material and service.....	8,100 00	
	\$16,500 00	

FOR THE WESTERN STATE HOSPITAL.

Operation:

Salaries and wages.....	\$190,000 00	Western State Hospital.
Supplies, material and service.....	270,000 00	
Maintenance (repairs and replacements).....	11,708 00	

Capital outlays:

Painting all buildings, fire escape, special repairs on 33 wards, farm, plumbing on wards, electric fixtures, galvanized iron shingles, painting gal- vanized iron shingles, repairs to cottages, auto- matic stoker	34,476 00	
Detached power house.....	52,000 00	
New laundry building and sterilizing washer.....	20,000 00	
Creamery building and equipment, two silos and equipment, one auto truck, new irrigation system	11,200 00	
Furniture, carpets, miscellaneous equipment and li- brary, X-ray equipment and room.....	6,500 00	
Laboratory and surgery.....	1,200 00	
	\$597,084 00	

FOR THE EASTERN STATE HOSPITAL.

Operation:

Salaries and wages.....	\$160,040 00	
Supplies, material and service.....	246,960 00	
Maintenance (repairs and replacements).....	16,600 00	

Capital outlays:

Furniture, carpets, bedding, books and piano.....	3,600 00	Eastern State Hospital.
New wing and equipment to greenhouse, one far- rowing house, five hog houses, new lawns and sidewalk, two silos, cement floor and plastering, store room	7,356 00	
One fire-proof and burglar-proof vault, one X-ray machine	2,600 00	
Septic tank (capacity of 1,500 people).....	3,500 00	
One motor truck, farm machinery, one lathe, live- stock, including five teams of horses.....	8,060 00	

Power and light line, motors and transformers, enlarging water main from reservoir to boiler-house, enlarging water main from pumping station to institution for feeble-minded, connection 5,100 feet, 10-inch cast-iron pipe, fittings and labor	\$10,084 00
	<u>\$458,800 00</u>

FOR THE NORTHERN STATE HOSPITAL.

Northern State Hospital.

Operation:	
Salaries and wages.....	\$129,456 00
Supplies, material and service.....	162,535 00
Maintenance (repairs and replacements).....	15,000 00
Capital outlays:	
One male ward building.....	70,000 00
One wing to complete female ward building.....	28,000 00
Land clearing	5,000 00
Nursery stock	500 00
Wire fencing	1,000 00
Dredging Hansen creek.....	10,000 00
Commissary and store building.....	17,500 00
Piggery, including slaughter house, green house...	5,000 00
Power house equipment.....	35,750 00
Household furniture, library and entertainment equipment	5,000 00
Concrete structure, support, etc., for water mains..	9,665 00
Storm sewer, filter bed.....	7,000 00
New water mains, power house to administration building and barns.....	4,000 00
Shop machinery, etc., laundry equipment.....	4,750 00
Equipment for surgery, etc.....	8,000 00
	<u>\$518,156 00</u>

FOR THE INSTITUTION FOR THE FEEBLE MINDED.

Institution for Feeble Minded.

Operation:	
Salaries and wages (salary of superintendent to be \$2,400.00 per annum).....	\$95,505 00
Supplies, material and service.....	166,115 00
Maintenance (repairs and replacements).....	6,800 00
Capital outlays:	
Two annexes to custodial buildings.....	80,000 00
Furniture, equipment for kitchen, bakery and dining room, and library and entertainment equipment	4,350 00
Piggery and poultry houses, dairy barn and two silos, walks, roads and grounds.....	15,000 00
Shop annex to boiler house and cold storage building, cold storage plant.....	10,500 00

Pipe and fittings to connect five buildings with new central heating plant, materials for north tunnel and laterals, coal bunkers, materials for window screens	\$10,000 00
Filter bed at West Medical Lake.....	700 00
Shop machinery, four sewing machines, two sewing machine motors, farm implements, one motor truck	4,370 00
	\$393,340 00

FOR THE STATE SOLDIERS' HOME.

Operation:

Salaries and wages.....	\$49,700 00	State Soldiers' Home.
Supplies, material and service.....	17,300 00	
Maintenance (repairs and replacements).....	4,000 00	
Maintenance of colony.....	35,000 00	

Capital outlays:

Clearing land	2,000 00
Hospital building, remodeling hospital building for use as barracks.....	46,500 00
Feeding pen and slaughter house.....	1,000 00
Household furniture and equipment.....	1,000 00
One auto truck.....	1,600 00
	\$158,100 00

FOR THE WASHINGTON VETERANS' HOME.

Operation:

Salaries and wages.....	\$54,280 00	Washington Veterans' Home.
Supplies, material and service.....	69,720 00	
Maintenance (repairs and replacements).....	11,800 00	

Capital outlays:

Purchase of additional land.....	6,600 00
Women's building	25,000 00
Additional boiler, auxiliary pump, etc.....	7,500 00
Auto truck	1,000 00
Fire escapes	500 00
Office and vault furniture, household furniture and equipment, library	5,800 00
	\$182,200 00

FOR THE STATE SCHOOL FOR DEAF.

Operation:

Salaries and wages.....	\$52,780 00	State School for Deaf.
Supplies, material and service.....	39,200 00	
Maintenance (repairs and replacements).....	2,700 00	
Expenses of students attending Gallaudet College.....	2,000 00	

Capital outlays:

One, one-story school building and equipment.....	\$40,000 00
Linotype for print shop, type for print shop and tools for manual training shop.....	3,020 00
Automobile	500 00
Library	200 00
	<hr/>
	\$140,400 00

FOR THE STATE SCHOOL FOR BLIND.

State School
for Blind.

Operation:

Salaries and wages.....	\$30,130 00
Supplies, material and service.....	23,870 00
Maintenance (repairs and replacements).....	1,000 00

Capital outlays:

Land	10,000 00
Kitchen building and equipment.....	17,000 00
Shop row	10,000 00
Wrecking old buildings, retaining wall, area-way and walks	2,500 00
Additional boiler	2,500 00
Vacuum cleaning machine, domestic science equip- ment, typewriter and sewing machines, gym- nasium equipment, library and musical instru- ments	2,840 00
	<hr/>
	\$99,840 00

FOR THE STATE TRAINING SCHOOL.

State
Training
School.

Operation:

Salaries and wages.....	*\$40,200 00
Supplies, material and service.....	*62,000 00
Maintenance (repairs and replacements).....	6,000 00

Capital outlays:

Clearing and draining land, sidewalks and drive- ways	4,000 00
Silo, lumber, etc.....	1,400 00
Range for kitchen, remodeling bakery and oven, one boiler and furnace, laundry machinery, util- ity equipment	8,400 00
Library, amusement and athletics.....	1,000 00
	<hr/>
	\$123,000 00

FOR THE STATE SCHOOL FOR GIRLS.

State School
for Girls.

Operation:

Salaries and wages.....	\$29,800 00
Supplies, material and service.....	41,700 00
Maintenance (repairs and replacements).....	2,600 00

* From C. E. P. & R. I. fund until exhausted, balance from the general fund.

Capital outlays:

Clearing and fencing, bulkhead in river, bridges, post lamps, drilled well, cement walks.....	\$10,150 00
One new cottage, equipment and furnishings.....	50,000 00
Green house, cover over entrance to Granger hall, addition to administration building, library, and motion picture machine.....	8,200 00
Office furniture and equipment.....	2,500 00
Power house, electric plant, steam heating plant and railroad spur	44,000 00
Livestock, farm machinery.....	1,950 00
Automobile	600 00
	<hr/>
	\$191,500 00

FOR THE STATE PENITENTIARY.

Operation:

Salaries and wages.....	\$75,000 00	State
Supplies, material and service.....	152,400 00	Penitentiary.
Maintenance (repairs and replacements).....	10,000 00	

Capital outlays:

Steel roof to cell wing and dining room, installa- tion of toilets in cells, forced ventilation in cells, additional pumping facilities.....	24,000 00
Farm buildings, utility equipment, miscellaneous equipment, livestock	4,300 00
Library, household furniture and equipment, office furniture and equipment.....	2,700 00
Operation of jute mill.....	201,940 00
	<hr/>
	\$470,340 00

FOR THE WASHINGTON STATE REFORMATORY.

Operation:

Salaries and wages.....	\$62,000 00	Washington
Supplies, material and service.....	122,900 00	State
Maintenance (repairs to wooden stockade wall).....	1,000 00	Reformatory.

Capital outlays:

Farm stock and equipment.....	7,500 00
Water reservoir	10,000 00
Oil, storage equipment, signal system motor set, re- frigerating plant	5,500 00
Inmates and officers' kitchen equipment.....	4,653 00
Manual training and shop equipment.....	6,300 00
Land clearing	4,000 00
Motor truck	3,000 00
Transmission cables and switchboard extension...	3,500 00
Library and entertainment equipment.....	2,000 00
	<hr/>
	\$232,353 00

FOR THE PUBLIC SERVICE COMMISSION.

Public Service Commission.

Salaries and wages:	
Commissioners	\$30,000 00
Rate expert	6,000 00
Assistant rate expert.....	3,000 00
Chief engineer	7,200 00
Tariff clerk	2,400 00
Tariff stenographer	2,400 00
Secretary	4,000 00
Reporter	3,600 00
Track inspector	6,000 00
Assistant track inspector.....	4,800 00
Extra engineers, accountants, inspectors, experts, witnesses, stenographers, clerks, etc.....	59,900 00
Supplies, material and service.....	44,700 00
Capital outlays:	
Office furniture and equipment.....	1,500 00
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	\$175,500 00

FOR THE PUBLIC SERVICE COMMISSION (GRAIN INSPECTION DEPARTMENT).

Grain Inspection Department.

Salaries and wages:	
One chief inspector.....	\$4,000 00
One chief clerk and registrar.....	3,000 00
One chief deputy, Tacoma.....	3,000 00
One chief deputy, Seattle.....	3,000 00
Supplies, material and service:	
Printing	1,500 00
Salaries of deputy inspectors, samplers, weighers and for office rent, traveling expenses, office supplies, postage and incidentals (so much there- of as may be necessary but in no event to exceed the collections of this department).....	90,000 00
	<hr/>
	\$104,500 00

FOR THE INDUSTRIAL INSURANCE DEPARTMENT.

Industrial Insurance Department.

Salaries and wages:	
Commissioners	\$21,600 00
Chief medical adviser.....	6,000 00
Clerk hire, traveling auditors, adjusters and other assistants	149,568 00
Supplies, material and service.....	73,232 00
Capital outlays:	
X-ray machine	2,220 00
Office furniture and equipment.....	1,300 00
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	\$253,920 00

FOR THE DEPARTMENT OF AGRICULTURE.

Salaries and wages:		
Commissioner	\$8,000 00	Department of Agri- culture.
Chief, livestock division.....	4,800 00	
Chief, horticultural division.....	3,600 00	
Chief, foods, feeds, fertilizers, drugs and oils divi- sion	3,600 00	
Clerks and stenographers.....	9,300 00	
Supplies, material and service.....	15,200 00	
Capital outlays:		
Office furniture and equipment.....	800 00	

DAIRY AND LIVESTOCK DIVISION.

Salary five dairy inspectors.....	\$15,000 00
Salaries, material and service of dairy inspectors....	10,500 00
Salary three veterinary inspectors.....	9,000 00
Wages, supplies, material and service per diem inspec- tors	3,000 00
Supplies, material and service of veterinary inspectors	8,000 00
For the destruction of predatory animals to be ex- pended by the agricultural department in conjunc- tion with the U. S. department of agriculture.....	15,000 00

HORTICULTURAL DIVISION.

Salary ten inspectors	30,000 00
Supplies, material and service.....	15,000 00

FOODS, FEEDS, FERTILIZERS, DRUGS AND OILS DIVISION.

Salaries and wages.....	22,200 00
Supplies, material and service.....	11,800 00
Compensation for slaughter of inspected bovine ani- mals	50,000 00
	\$234,800 00

FOR THE WASHINGTON STATE FAIR.

Salaries and wages.....	\$9,120 00	State Fair.
Operation and maintenance.....	28,880 00	
Capital outlays:		
Construction of new grandstand.....	20,000 00	
	\$58,000 00	

FOR THE STATE TAX COMMISSION.

Salaries and wages:		
Commissioner	\$6,000 00	State Tax Commission.
Clerks and stenographers.....	11,500 00	
Supplies, material and service.....	10,500 00	
Capital outlays:		
Office furniture and equipment.....	500 00	
	\$28,500 00	

FOR THE BUREAU OF LABOR.

Bureau of Labor.	Salaries and wages:	
	Commissioner	\$4,800 00
	Deputy	2,400 00
	Clerk hire	4,440 00
	Supplies, material and service.....	4,160 00
	Capital outlays	100 00
	For steamboat inspection (expenditures for steamboat inspection not to exceed the collections for same):	
	Salaries and wages.....	1,400 00
	Supplies, material and service.....	700 00
	For factory inspection (expenditures for factory inspection not to exceed the collections for same):	
	Salaries and wages:	
Vetoed } E. L. }	Supplies, material and service.....	1,500 00
	Clerk hire	685 00
	Supplies, material and service.....	9,265 00
	Capital outlays	50 00
		<hr/>
		\$43,000 00

FOR THE OFFICE OF STATE MINE INSPECTOR.

State Mine Inspector.	Salaries and wages:	
	Mine inspector	\$6,000 00
	Deputy inspector	3,600 00
	Supplies, material and service.....	6,200 00
		<hr/>
		\$15,800 00

FOR THE OFFICE OF STATE BANK EXAMINER.

State Bank Examiner.	Salaries and wages:	
	Examiner	\$7,200 00
	Three deputies	14,400 00
	Clerk hire	4,800 00
	Supplies, material and service.....	16,550 00
	Capital outlays	450 00
		<hr/>
		\$43,400 00

FOR THE OFFICE OF STATE HOTEL INSPECTOR.

State Hotel Inspector.	Salaries and wages:	
	Hotel inspector	\$3,600 00
	Three deputies	9,000 00
	Clerk hire	430 00
	Supplies, material and services.....	6,070 00
		<hr/>
		\$19,100 00

FOR THE OFFICE OF STATE FIRE WARDEN.

Salaries and wages:

State forester	\$4,000 00	State Fire Warden.
Assistant	3,000 00	
Clerk hire	1,200 00	
Supplies, material and service.....	2,200 00	
Field operations	58,292 50	
Capital outlays:		
Office furniture and equipment.....	307 50	
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	\$69,000. 00	

FOR THE STATE BOARD OF HEALTH.

Salaries and wages:

Commissioner	\$7,200 00	State Board of Health.
Epidemiologist	6,000 00	
Sanitary inspector	3,600 00	
Assistant registrar	3,000 00	
Stenographers, clerks and assistants.....	11,400 00	
Supplies, material and service.....	20,410 00	
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	\$51,610 00	

FOR THE STATE LIBRARY.

Salaries and wages:

Librarian	\$3,000 00	State Library.
Clerk hire	1,800 00	
Supplies, material and service.....	3,700 00	
Capital outlays:		
Books, magazines, etc.....	1,500 00	
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	\$10,000 00	

FOR THE TRAVELING LIBRARY.

Salaries and wages:

Superintendent	\$2,400 00	Traveling Library.
Clerk hire and assistants.....	5,400 00	
Supplies, material and service.....	3,755 00	
Capital outlays:		
Office furniture and equipment, books, etc.....	8,650 00	
	<hr/>	
	\$20,205 00	
For the state board of finance expense.....	\$300 00	Board of Finance.
For the state board of equalization expense.....	1,500 00	Board of Equalization.
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	*\$6,800 00	

FOR THE STATE BOARD OF BARBER EXAMINERS.

Salaries and per diem.....	\$3,700 00	Barber Examiners.
Supplies, material and service.....	3,100 00	

* In no event shall the expenses of any of these boards exceed the receipts thereof.

FOR THE STATE BOARD OF DENTAL EXAMINERS.

Dental Examiners.	Salaries and per diem.....	\$1,300 00
	Supplies, material and services.....	2,200 00
		<hr/>
		*\$3,500 00

FOR THE STATE BOARD OF EXAMINERS OF NURSES.

Examiners of Nurses.	Salaries and per diem.....	\$950 00
	Supplies, material and service.....	1,050 00
		<hr/>
		*\$2,000 00

FOR THE EMBALMERS EXAMINING BOARD.

Embalmers Examiners.	Salaries and per diem.....	\$505 00
	Supplies, material and service.....	495 00
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		*\$1,000 00

FOR THE STATE BOARD OF OPTOMETRY.

Optometry Board.	Salaries and per diem.....	\$650 00
	Supplies, material and service.....	550 00
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		*\$1,200 00

FOR THE STATE BOARD OF MEDICAL EXAMINERS.

Medical Examiners.	Salaries and per diem.....	\$3,100 00
	Supplies, material and service.....	4,500 00
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		*\$7,600 00

FOR THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

Veterinary Examiners.	Salaries and per diem.....	\$550 00
	Supplies, material and service.....	450 00
		<hr/>
		*\$1,000 00

FOR THE STATE BOARD OF PHARMACY.

	Salaries and wages:	
Pharmacy Board.	Secretary	\$3,600 00
	Salaries and per diem.....	2,900 00
	Supplies, material and service.....	3,500 00
		<hr/>
		*\$10,000 00

FOR THE INDUSTRIAL WELFARE COMMISSION.

	Salaries and wages:	
Industrial Welfare Commission.	Secretary	\$3,600 00
	Clerk hire	2,000 00
	Supplies, material and service.....	4,200 00
	Capital outlays	200 00
		<hr/>
		\$10,000 00

* In no event shall the expenses of any of these boards exceed the receipts thereof.

FOR THE STATE GEOLOGICAL SURVEY.

Topographical and hydrographical survey contained [conditioned] upon a similar sum being expended in the state by the United States geological survey)	\$35,000 00	Geological Survey.
Geological survey:		
Salaries and wages.....	6,900 00	
Supplies, material and service.....	7,400 00	
Investigations and surveys.....	5,700 00	
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	\$55,000 00	

FOR THE HISTORICAL SOCIETY.

Salaries and wages:		
Secretary	\$3,000 00	Historical Society.
Other employees	5,600 00	
Supplies, material and service.....	3,400 00	
Erecting monuments, tablets and markers.....	2,000 00	
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	\$14,000 00	

FOR NORMAL SCHOOL BONDS.

Interest on bonds.....	\$3,090 36	Normal School bonds.
Redemption of bonds.....	206,024 00	
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	\$209,114 36	

FOR THE WASHINGTON STATE COLLEGE.

Amount required to secure Smith-Lever fund, United States government, for co-operative agricultural ex- tension work	\$29,352 00	State College.
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FOR MISCELLANEOUS PURPOSES.

For state aid of tuberculosis hospitals as provided in chapter 172, Session Laws of 1913.....	\$100,000 00	Miscel- laneous.
Florence Crittenden Home, Seattle	3,000 00	
White Shield Home, Tacoma.....	3,000 00	
Florence Crittenden Home, Spokane.....	3,000 00	
Lebanon Home, Ballard.....	1,500 00	
Ladies of the G. A. R. Home, Puyallup	1,500 00	
Salvation Army Home, Spokane.....	1,500 00	
Theodora Home, Seattle.....	1,500 00	
Care of graves of Spanish-American war veterans.....	144 00	
Guaranteed interest on A. Y. P. E. series B warrants..	12,000 00	
Guaranteed interest on shore land, improvement war- rants	15,476 86	
Guaranteed interest on capitol building fund warrants	39,188 48	
State capitol commission expenses.....	7,500 00	
Public archives commission expenses.....	1,000 00	

For relief of the following firms on account of material furnished in construction of administration building at the Northern Hospital:	
Jones and Dillingham, Spokane.....	\$1,535 01
McGowan Bros. Hardware Company, Spokane.....	2,260 43
Chas. W. Rogers Company, Seattle.....	1,001 69
Street improvement and interest on state property in local improvement district 75, city of Olympia, viz.:	
Lots 1, 2, 3, 4, and 5, block 66, A; lots 3, 4 and 5, block 67; lots 1, 2, 3, 4 and 5, block 68; lots 1, 2, 3, 4 and 5, block 69.....	1,946 16
Local improvement assessments and interest accrued on state lands against portions of sub-division of school section 16, twp. 25, N. R. 43 E., W. M., in the city of Spokane; principal \$7,480.30, interest \$2,868.40, total	
	10,348 70
For relief of Senator E. L. French for expenses incurred serving on commission on financial management of public schools, authority of Senate Joint Resolution 15, Session of 1915.....	
	25 25
For the relief of Wilder and White for services rendered as architects, Temple of Justice (This to be returned to the general fund from Capitol building fund when available)	
	7,934 05
For the relief of city of Seattle account of deportation of Andrew Alex, a leper.....	
	659 03
For the relief of Clarence L. White for surveying, and subdividing and marking the boundaries of state school land of section 16, twp. 25 N., R. 6 E., W. M.	
	190 00
For the relief of the following parties for the destruction of seals in the waters of the State of Washington:	
John C. Block, Copalis, Washington.....	2 00
Floyd Eaton, Anacortes.....	3 00
Charles Seatit, La Conner	67 00
Peter Williams, Montesano.....	5 00
Charles Kelly, Seattle.....	2 00
Charles D. Morris, Raymond.....	11 00
Henry Bjorklund, Stanwood.....	51 00
For the relief of the Pacific Coast Steamship Company for freight charges of the Washington State Exposition Commission	
	17 69
For the relief of Myron F. Heuston of Tacoma for refund on tide lands in King county which did not exist sold under contracts Nos. 1845 and 1846.....	
	167 00
For the relief of Simon Anderson, injured at the Northern Hospital for the Insane at Sedro Woolley.....	
	175 00
For the relief of A. B. Giblet for injuries received while repairing boilers in capitol building.....	
	500 00

For the relief of John Roberts, Spokane, Washington, account erroneous sale of land, S. W. one-fourth of the N. W. one-fourth, section 36, twp. 25 N., range 43 E. W. M.....	\$77 19
For the relief of the Washington Portland Cement Company for cement sacks not returned.....	221 50
For the relief of Washington Tool and Hardware Company for material furnished the state board of control	10 60
For the relief of Ernst Hardware and Plumbing Company for materials furnished the state board of control	45 64
For the relief of the National Bank of Tacoma, account of general fund warrant No. 18943, dated April 5, 1895, in favor of Fred C. Plummer and assigned to the National Bank of Tacoma, which warrant has been lost and not presented until appropriation had lapsed.....	196 89
For the payment of principal and interest on judgments against the state as follows:	
For the relief of Calvin Phillips and Company, Calvin Phillips and Company vs. H. O. Fishback, insurance commissioner	99 92
For the relief of J. E. Crouch, J. E. Crouch, administrator of the estate of Edmund R. Knight, vs. E. W. Ross, commissioner of public lands.....	132 32
For the relief of Schalinger Produce Co., H. T. Graves, commissioner of agriculture, vs. Schalinger Produce Co.....	64 06
For the relief of H. Grady Jones, State of Washington vs. H. Grady Jones.....	22 13
For the relief of W. H. Bennett, in the case of W. H. Bennett et ux., vs. the State of Washington	43 14
For the relief of F. H. Huntworth, in the case of F. H. Huntworth in the case of Pacific Teachers' Agency vs. W. V. Tanner, Attorney General....	106 86
For the relief of T. E. Hartlaub, State of Washington vs. T. E. Hartlaub, et ux.....	20 77
For the relief of C. K. Sturtevant, State of Washington vs. C. K. Sturtevant, et al.....	26 96
For the relief of Chas. P. Bennett, State of Washington vs. Chas. P. Bennett.....	105 59
For the relief of Cook-Clark Company, State of Washington vs. Cook-Clark Company.....	18 77
For presidential electors:	
D. M. Drumheller.....	78 00
Geo. F. Christensen.....	35 40
Francis Donahoe	10 80

C. C. Brown	\$16 80
Ed M. Connors.....	22 60
Joseph A. Sloan.....	19 60
Dr. George W. Hoxie.....	47 80
Chas. E. Shepard, expenses uniform law commissioner	743 25
For criminal cost bills prior to 1915.....	1,700 00
For the relief of T. M. Borgford and Company, work on Temple of Justice.....	61 60
For the relief of Sullivan Bros. for material furnished Northern Hospital for the Insane.....	1,778 51
For the relief of Caldwell, Masslich and Reed and Ballinger, Battle, Hulbert & Shorts, legal service in connection with re-issuance of capitol bonds.....	3,000 00
For the relief of Albert S. Byers, refund on cancellation state land contracts No. 7939 and No. 7997....	585 00
For the relief of Williams-Smithson Co. for duplicate payment of corporation license.....	15 00
For the relief of Gunder Gunderson on account of payment for lands erroneously included in school lands purchased from the State of Washington.....	303 00
For deficiencies for bounties on wild animals.....	2,063 00
For the relief of Amy Albright for freight and rental paid on typewriter during legislative session 1915..	5 00
For the relief of Lowman & Hanford Co. for supplies furnished prior to March 31st, 1915.....	12 50
For the relief of Giles Quinby, judgment Giles Quinby vs. State of Washington.....	1,033 26
For the relief of Bates & Rogers Construction Co., judgment State of Washington vs. Bates & Rogers Construction Co.	73 93
For the relief of H. M. Ball, for gravel taken from his land and for damages sustained and gravel used in the construction of the Washington State Reformatory	1,100 00
For the relief of C. W. Clausen, for moneys advanced for paying expenses of checking the industrial insurance commission	3,287 51
For the relief of D. Dierssen and J. A. Gibson to be paid on surrender of state land contracts number 4371 and number 4393.....	2,168 48
Local improvement assessments:	
On part of blocks 59 and 62, Lake Union Shore Lands, Seattle, District 2805, \$1,815.55, interest \$178.79	1,994 34
On part of blocks 59 and 62, Lake Union Shore Lands, Seattle, District 2893, \$1,035.39, interest \$71.39	1,106 78

On part of blocks 59 and 62, Lake Union Shore Lands, Seattle, District 20186, \$3,772.70, interest \$1,087.59	\$4,860 29
On part of lot 2, Lawton Tracts, Seattle, District 2855, \$368.12, interest \$29.86	397 98
On part of block 4, Queen Anne 2nd, Seattle, District 2852, \$672.15, interest \$48.15.....	720 30
On part of block 7, Wallingford's Division of Green Lake, Seattle, District 2919, \$131.32, interest \$5.46	136 78
On lot 10, block 2, Pleasant Ridge Division of Green Lake, Seattle, District 2452, \$10.32, interest \$3.22	13 54
On part block 2, Pittner's 2nd Division of Green Lake, Seattle, District 1533, \$169.60, interest \$51.52	221 12
On part block 2, Pittner's 2nd Division Green Lake, Seattle, District 2991, \$204.32, interest \$16.32...	220 64
On state lands in section 36, township 8 N., R. 30 E., W. M., drainage district No. 6, Benton county, \$123.44, interest \$3.09.....	126 53
On state lands in section 36, twp. 40 N., R. 1 E., W. M., drainage district No. 7, Whatcom county	1,653 60
On state lands in Skagit county, dike districts 1 and 15 and ditch districts 14 and 15, \$939.64, interest \$23.44	963 08
On state lands in block 38, Railroad Addition, Centralia, District 21, \$82.81, interest \$5.95.....	88 76
On state lands in block 38, Railroad Addition, Centralia, District 10, \$51.40, interest \$3.47.....	54 87
On lots 25 and 26, block 395, St. Nicholas' Addition to the city of Everett, District 284, \$79.12, interest \$9.48	88 60
On penitentiary property, Walla Walla, District 180, paving \$1,400.00, interest \$16.32.....	1,416 32
For the relief of Chris Foelkner for refund, account, duplication payment of automobile license	2 00
For continuing the appropriation provided for in chapter 92, Laws 1915, for the purpose of installing elevator in the Temple of Justice, for changes in the elevator shaft, and for other purposes named in chapter 92, the unexpended balance thereof is appropriated but in no event to exceed.....	5,500 00
For the relief of Chas. E. Evans, account of injuries received while in the employ of the state.....	500 00
FROM THE ELLENSBURG NORMAL SCHOOL FUND.	
On normal tract, Ellensburg, District 1915-A, sewer \$157.26, interest \$1.96, total.....	159 22
On normal tract, Ellensburg, District 1916-D, \$118.10, interest \$0.88	118 98

FROM THE UNIVERSITY FUND.

On university property, Seattle, District No. 2560, ordinance 29688, Montlake boulevard paving, \$3,874.80, interest \$668.39, total	\$4,543 19
On university property, Seattle, ordinance 15642, condemnation \$202.50, interest \$93.48.....	295 98
On university property, Seattle, District 2889, ordinance 17947, paving \$2,072.85, interest \$108.82.....	2,181 67
On university property, Seattle, District 2967, C. walks \$115.79, interest \$3.19.....	118 98

FROM THE BELLINGHAM NORMAL SCHOOL FUND.

On normal tract, Bellingham, District No. 343, curbing, etc., \$1,416.60, interest \$102.00.....	1,518 60
On normal tract, Bellingham, Districts 4-x, 5-x, 8-x and 9-x, trunk sewers \$1,285.50, interest \$67.48.....	1,352 98
On normal tract, Bellingham, District No. 410, paving \$52.70, interest \$5.74.....	58 44
On normal tract, Bellingham, District No. 507, concrete walks \$370.80, interest \$7.23.....	378 03
On normal tract, Bellingham, paving, District No. 344 (unpaid interest)	78 35

FOR THE INDUSTRIAL INSURANCE COMMISSION.

FROM THE ACCIDENT FUND.

For the payment of claims.....	\$4,000,000 00
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FROM THE HARBOR IMPROVEMENT FUND.

To be distributed in accordance with chapters 168, 169 and 170, Laws of 1913, based on receipts.....	60,000 00
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FOR THE HIGHWAY COMMISSIONER'S OFFICE.

FROM THE PUBLIC HIGHWAY FUND.

Salaries and wages:	
Commissioner	\$10,000 00
Assistant commissioner	4,800 00
Chief engineer	7,200 00
Other employees	19,320 00
Supplies, material and service.....	21,500 00
Capital outlays:	
Office furniture and equipment, engineering equipment	2,000 00
	\$64,820 00

FROM THE MILITARY FUND.

For the support of the National Guard and Naval Militia of Washington (operation and maintenance).	
Salaries and wages:	
Adjutant general and other employees of the military department	\$63,600 00

Industrial insurance claims.

Highway Commissioner.

Militia purposes.

Supplies, material and services.....	\$332,140	00	
Capital outlays:			
Wagon shed, quartermaster storehouse and guard-house	7,200	00	
Clearing and fencing.....	4,000	00	
Furniture and equipment in armories.....	10,000	00	
Relief appropriations:			
Condemnation assessments Seattle armory, land district No. 18109.....	2,912	83	
Dr. James A. Lagasa, professional services privates Noble and Wickman.....	249	00	
St. Joseph's Hospital, medical attention Noble and Wickman	175	10	
Thos. W. Haymond, expenses when injured by explosion of a rifle.....	84	35	
Aberdeen General Hospital, medical attention Thos. W. Haymond	103	75	
F. R. Hedges, M. D., examination men in 3d Co. C. A. C., Everett (muster out).....	3	00	
Swedish Hospital, medical attention Corporal Lloyd Liggett, injured while at state encampment, 1914	63	60	
Lloyd H. Liggett for pay from May 1st to June 3d, 1916, while unable to follow regular employment on account operation due to injuries at 1914 state encampment (see section 56, military laws 1915, for rate of pay), 34 days at \$1.60.....	52	40	
Assessments Bellingham armory, interest not included when relief appropriation was entered last biennium to cover the assessment.....	17	44	
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Local assessment, Seattle armory district 12502...	156	13	
Local assessment, Bellingham armory district 314..	10	03	
Bellingham armory district 410.....	6	65	
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	\$421,024	28	

FROM THE FISHERIES FUND.

For the department of fisheries:

Salary fish commissioner.....	\$4,000	00	Fish Com- missioner.
Salary of superintendent of hatcheries.....	3,600	00	
Construction of new hatcheries.....	35,000	00	
Salary of inspectors and expenses, traveling expenses of commissioner and employees, salaries of employees, rent and incidentals, construction, repairs, and maintenance of salmon hatcheries, patrol service, improvements, replacements, and for the propagation of sockeye salmon in American waters	192,000	00	

Destruction of seals, Columbia river district (\$1,500.00 to be available for payment of bounty at the rate of \$3.00 per scalp, the remaining balance of this amount unused on October 1, 1918, to be used for the employment of hunters for seal destruction; \$1,500.00 for the destruction of seals to be used in manner fish commissioner may direct)	\$3,000 00
Destruction of seals in other waters of the state...	3,000 00
Printing	2,500 00
	<hr/>
	\$243,100 00

For the relief of Fidalgo Island Packing Company on account of refund overpayment on pack.....	\$691 31
For the relief of San Juan Fishing and Packing Company for overpayment for tonnage tax on salmon..	214 98

FROM THE GAME FUND.

State Game Warden.

For the office of state game warden:	
Salary of state game warden.....	\$2,000 00
Salary and traveling expenses (two) special deputy game wardens	6,000 00
Maintenance of state trout hatcheries.....	22,000 00
Erection, equipment, maintenance and stocking of game farm at the Walla Walla state penitentiary	20,000 00
Salaries of employees, rent and incidentals.....	6,150 00
Traveling expenses of state game warden.....	1,000 00
Salary of chief deputy state game warden and traveling expenses	5,000 00
Salary and traveling expenses (two) special deputy state game wardens under chief deputy state game warden	6,000 00
Salary of employees, rent and incidentals of the chief deputy state game warden.....	2,200 00
	<hr/>
	\$70,350 00

FROM THE STATE OYSTER RESERVE FUND.

(Not to exceed the collections thereof.)

Oyster reserves.

Salaries and wages.....	\$4,320 00
Supplies, material and service.....	2,180 00
Capital outlay:	
Construction of concrete dikes, etc.....	8,500 00
	<hr/>
	\$15,000 00

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

(Not to exceed the collections thereof.)

University buildings.

For the construction of Class "A" buildings as provided by chapter 66, Laws of 1915.....	\$262,000 00
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FROM THE PUBLIC HIGHWAY FUND.

For the relief of R. C. Hill for payment of judgment and interest in case of R. C. Hill vs. State of Washington	\$3,208 76
For the relief of H. W. Peel, et ux. in case of State of Washington vs. H. W. Peel, et ux.....	1,249 27

FROM THE PERMANENT HIGHWAY FUND.

(From that part apportioned to Pierce county.)

For the relief of Washington Paving Company, judgment State ex rel. Washington Paving Company, Relator, vs. C. W. Clausen et al.....	\$889 48
For the relief of the Washington Paving Company on deferred payments on certain road contracts in Pierce county	3,008 13

SEC. 3. This act is necessary for the immediate pres-
 ervation of the public peace, health and safety and the
 support of the state government and its existing public
 institutions and shall take effect April 1, 1917. Emergency.

Passed the House February 27, 1917.

Passed the Senate February 28, 1917.

Approved by the Governor March 20, 1917, excepting
 items marked vetoed.

CHAPTER 172.

[H. B. 396.]

SUPPLEMENTAL APPROPRIATIONS.

AN ACT making appropriations for the repairing of buildings at, for the purchase of land, the maintenance and sundry expenses of, the various state institutions, schools and state offices; for sundry civil expenses of the state government and for miscellaneous purposes for the fiscal term beginning April 1, 1917, and ending March 31, 1919, except as otherwise provided; for certain deficiencies and the relief of certain persons and officers, and providing when this act shall take effect.

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

SECTION 1. That the following sums or so much thereof as shall severally be found necessary are hereby

appropriated out of any monies in the several funds of the state treasury hereinafter named for repairing of buildings at, for the purchase of land, and sundry expenses of, the various state institutions and schools, for the payment of salaries of state officers, and for other and divers purposes hereinafter expressed, for the fiscal term beginning April 1, 1917, except as otherwise provided, and except as hereinafter otherwise particularly specified the amount appropriated for all buildings for state institutions whether penal, charitable, educational, or reformatory shall be expended under the direction of the governing body thereof, to-wit:

FROM THE GENERAL FUND.

	For the industrial welfare commission:	
	Salary of extra clerk to be paid from the appropriation allowed in supplies, material and service item of \$4,200.00 heretofore made at this session of the legislature for said commission.....	\$500 00
State Reformatory.	For the Washington State Reformatory:	
	Repairs and improvements.....	7,500 00
	For attorney-general:	
	Indexing Session Laws.....	300 00
	Secretary of state:	
	Clerk hire certifying laws as provided by House bill 110	300 00
Weights and measures.	Weights and measures department:	
	Additional salary of superintendent.....	600 00
	Salaries, supplies, material and service.....	22,700 00
		<hr/>
		\$23,300 00
State College.	For the State College of Washington:	
	For forage crop investigations (to be expended, on vouchers signed by the director of the state experiment station, on condition that a like sum be received from the federal government for such work)	\$8,000 00
	For the extermination of Cooley crickets, to be spent under the direction of the department of agriculture	2,000 00
State Medical Aid Board.	For state medical aid board:	
	For salaries and expenses of state medical aid board created by the act of this session, approved March 3, 1917, known as House bill 117, entitled "An act relating to the compensation and to the medical aid, surgical and hospital	

care of injured workmen, creating a medical aid fund by enforced contributions thereto by employers and workmen, providing for the distribution thereof for the expense of such care, making an appropriation out of such fund, providing penalties for the violation of this act, amending sections 6604-5, 6604-7, 6604-8, 6604-13 and 6604-18 of Remington & Ballinger's Codes and Statutes of Washington, and amending section 6604 of Remington & Ballinger's Codes and Statutes of Washington by adding thereto new sections numbered 6604-33, 6604-34, 6604-35, 6604-36, 6604-37, 6604-38, 6604-40, 6604-41, 6604-42, 6604-43, 6604-44, 6604-45, and 6604-46," for the period intervening between the present time and June 9, 1917, this appropriation to take effect immediately and to authorize the governor to forthwith make appointments of members of said board in the manner provided in said act, so that said members may at once qualify and enter upon the performance of their duties under said act \$4,000 00

For the state medical aid board, from the medical aid fund:

Salaries, medical aid awards and other expenses..\$1,000,000 00
 For indexing house and senate journals..... 600 00
 For the superintendent of public instruction:
 Additional salary, assistant superintendent..... \$200 00
 Additional salary, executive secretary..... 240 00
 Industrial and agricultural work..... 5,000 00

Superintendent of Public Instruction.

\$5,440 00

For the relief of Weisenburger Camp No. 8, United Spanish War Veterans, for furniture furnished.... \$279 00

For uniform law commission:

Expenses of uniform law commissioners (to be deducted from the appropriation of \$743.25 heretofore made at this session)..... 600 00

For the relief of Lowman & Hanford (correcting error in the general appropriation)..... 3 00

Re-appropriating balance in deficiency for bounties on wild animals 10,477 50

For state board of control:

For securing group picture of members legislature for capitol building..... 140 00

For state board of finance:

Salary of secretary..... 600 00

Board of Finance.

	For the relief of Mrs. Gertrude Blair, account expenses incurred through the death of her son in capturing the outlaw Turnow.....	\$500 00
	For bounties on wild animals.....	35,000 00
	For state nautical school:	
	Expenses of every kind.....	50,000 00
Industrial Insurance Commission.	For the industrial insurance commission:	
	Postage	\$17,000 00
	Capital outlays	1,200 00
	Salaries	6,000 00
		<hr/>
		\$24,200 00
	For the printing of house and senate journals and Session Laws	\$15,000 00
	For the secretary of state:	
	State printing expert.....	3,600 00
State Mine Inspector.	For the state mine inspector:	
	Additional salary of deputy mine inspector.....	\$1,200 00
	Salary and traveling expenses of examining board.	2,000 00
		<hr/>
		\$3,200 00
Labor Commissioner.	For the state labor commissioner:	
	Additional salary of five factory inspectors.....	\$13,500 00
State Bank Examiner.	For the state bank examiner:	
	Increase in salary of three deputies from \$2,400.00 to \$3,000.00 per annum, for the biennium.....	\$3,600 00
	Two additional deputies at \$2,400.00 per annum....	9,600 00
	Supplies, material and service.....	6,120 00
		<hr/>
		\$19,320 00
	For the relief of Eugene Kreider (indexing 1915 Session Laws)	\$100 00
Motor vehicle division.	For the secretary of state (motor vehicle division):	
	For printing 1918 licenses, etc.....	\$2,442 25
State University.	For the State University (from the University Fund):	
	Operation and maintenance:	
	Salaries and wages.....	\$1,032,280 00
	Supplies, material and service.....	150,000 00
	Capital outlays:	
	Instructional equipment	80,000 00
		<hr/>
		\$1,262,280 00
	(From the University Current Fund until exhausted, balance from the University of Washington Fund.)	
	(From the University of Washington Building Fund):	
	For the construction, maintenance, repair and furnishing of buildings for the University of Washington	\$63,000 00

For the State University (from the general fund):

For amount required to secure United States bureau of mines experimental station for co-operative mining research in connection with and by the University of Washington..... \$20,000 00

For amount required to cruise and value the lands of the University of Washington for exchange with the state to create a demonstration forest, to be expended by the University of Washington in conjunction with the state land department.. 7,500 00

For the relief of Mrs. Julia Olson..... 4,000 00

For the Bellingham Normal School:

For the purchase and improvement of land..... 15,000 00

For the State College of Washington:

Salaries and wages.....\$538,386 83 State College.

Supplies, material and service..... 240,072 67

Capital outlays, including the purchase of additional land adjoining experiment station at Puyallup and the college farm at Pullman, Washington 101,790 50

\$880,250 00

\$767,250.00 of the above amount from the proceeds of the Washington State College Fund as provided by mill tax; at least \$65,000.00 of this amount to be spent at the Puyallup experiment station.

\$113,000.00 from the agricultural college current and scientific school current funds and not to exceed the receipts thereof.

For the Bellingham Normal School (from the Bellingham Normal School Fund):

Salaries and wages.....\$205,000 00 Bellingham Normal.

Supplies, material and service..... 45,000 00

Capital outlay 20,000 00

\$270,000 00

(\$33,128.00 from the Normal School Current Fund until exhausted, balance from the Bellingham Normal School Fund.)

For the Cheney Normal School (from the Cheney Normal School Fund):

Salaries and wages.....\$188,000 00 Cheney Normal.

Supplies, material and service..... 38,000 00

Capital outlay 20,133 00

\$246,133 00

(\$28,333.00 from the Normal Current Fund until exhausted, balance from the Cheney Normal School Fund.)

For the relief of the following persons to be paid from the Cheney Normal School Fund:

S. W. Webb.....	\$53 30
I. E. Harmon.....	12 90
C. W. Phillips.....	51 25
J. T. Lightfoot.....	18 00
H. L. Bowers.....	12 55
Wm. Belson	54 50
T. F. Graham.....	44 50

Ellensburg
Normal

For the Ellensburg Normal School (from the Ellensburg Normal School Fund):

Salaries and wages.....	\$131,334 00
Supplies, material and service.....	26,950 00
Capital outlay	41,474 00
	<hr/>
	\$199,758 00

(\$23,538.00 from the Normal Current Fund until exhausted, balance from Ellensburg Normal Fund.)

State Tax
Commission.

For the State Tax Commission (from the general fund):

Salary of two tax commissioners.....	\$1,250 00.
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Adjutant
General.

For the adjutant-general's office (from the military fund):

Alterations Tacoma armory.....	\$12,400 00
Alterations Spokane armory.....	3,500 00
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	\$17,747 15

FROM THE GENERAL FUND.

State
Reformatory.

For the Washington State Reformatory:

Printing plant	\$6,000 00
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To provide for the promotion of vocational education, for co-operation with the United States in the promotion of such education in agriculture and the trades and industries, for co-operation with the United States in the preparation of teachers of vocational subjects (to be set aside by the state treasurer as custodian of the appropriations by congress under the act of congress relating to vocational education and agriculture and the trades and industries, and the preparation of teachers of vocational subjects, approved February 23d, 1917, the benefits of which act the State of Washington hereby accepts, and to be expended by the state board of education, which is hereby designated as the board to co-operate with the federal board of vocational education)

	12,000 00
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SEC. 3. This act is necessary for the immediate pres- *Emergency.*
ervation of the public peace, health and safety, the sup-
port of the state government and its existing public in-
stitutions and shall take effect April 1, 1917.

Passed the House March 8, 1917.

Passed the Senate March 8, 1917.

Approved by the Governor March 20, 1917.

AUTHENTICATION.

I, I. M. Howell, Secretary of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the foregoing published laws, passed by the Legislature of the State of Washington, at its fifteenth session, from January 8th to March 8th, 1917, inclusive, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies of said originals with the exception of such corrections in spelling and use of words as indicated by the use of brackets, thus [], in each case as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

[SEAL] Done at Olympia, this 4th day of May, A. D.
1917.

I. M. HOWELL,
Secretary of State.

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