

L A W S

OF THE

TERRITORY OF WASHINGTON,

ENACTED BY THE

LEGISLATIVE ASSEMBLY,

IN THE YEAR 1883.

Printed by Authority.

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1883.

L A W S

OF

WASHINGTON TERRITORY.

Enacted at the Ninth Biennial Session of the Legislative Assembly of Washington Territory, held in Olympia, the Capital of Washington Territory, commencing on Monday, October 1, 1883, and ending Thursday, November 29, 1883.

WILLIAM A. NEWELL, Governor; SEWELL TRUAX, President of the Council; E. C. FERGUSON, Speaker of the House of Representatives.

AN ACT

TO AMEND THE COMMON SCHOOL LAW OF THE TERRITORY OF WASHINGTON.

TITLE I.

SUPERINTENDENT OF COMMON SCHOOLS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a superintendent of public instruction shall be appointed by the governor, by and with the advice and consent of the legislative council, and shall enter upon the duties of his office on or before the first Monday in January next following his appointment, and shall hold his office for the term of two years or until his successor is appointed and qualified, and shall execute a bond in the penal sum of two thousand dollars, with two good and sufficient sureties to be approved by the territorial auditor conditioned upon the faithful discharge of his or her official duties.

SEC. 2. The superintendent shall have general supervision of public instruction, especially of the county and district school officers and the public schools of the territory, and shall report to the governor biennially on or before the first day of September of the years in which the regular sessions of the legislature are held. The governor shall transmit said report to the legislature, and whenever it is ordered printed, a sufficient number of copies shall be delivered to the superin-

tendent of public instruction to furnish two copies, to be deposited in the territorial library, and one copy to each county superintendent of common schools, to be held by him as public property, and delivered to his successor in office, and one copy to each district school clerk within the territory. Said report shall contain a statement of the condition of the territorial university and public schools in the territory, full statistical tables, by counties, showing among other statistics the number of schools and the average attendance; the number attending private schools, the amount raised by county and district taxes, or from other sources of revenue for school purposes, the amount expended for salaries of teachers and for building and furnishing school houses, and the statement of the plans for the management and improvement of schools, together with such other facts as he may deem proper to collect for the information of the legislature.

SEC. 3. The superintendent of public instruction shall superintend the printing and transmitting of such blanks, forms, rules and regulations for the use and government of the public schools, school officers and teachers, as the board of education may authorize, together with questions prepared for the use of the county boards in the examination of teachers.

SEC. 4. It shall be the duty of the superintendent of public instruction to travel in the different counties of the territory, where common schools are taught, so far as possible without neglecting his other official duties as superintendent of public instruction, during at least three months in each year, for the purpose of visiting schools, of consulting with county superintendents, and addressing public assemblies on subjects pertaining to public schools.

SEC. 5. The superintendent of public instruction shall keep his office at some place where there is a post-office, and he shall receive a salary of six hundred dollars per annum, which shall be paid quarterly out of the territorial treasury. He shall also submit, quarterly, a statement of expenditures for traveling expenses, stationery, postage and other necessary expenses connected with his office, which shall be audited by the territorial auditor, who shall issue a warrant on the territorial treasurer for the payment of such amounts as shall be found to have been properly incurred: *Provided*, That said expenditures shall not exceed three hundred dollars in any one year.

SEC. 6. The superintendent of public instruction shall, at least once a year, hold a territorial teachers' institute, over which he shall preside, at such time and place as may be determined upon, either by the institute or territorial board of education, which territorial institute shall continue in session not less than five days, and he shall, so far as practicable, aid in establishing county institutes.

SEC. 7. The superintendent of public instruction shall be *ex-officio* president of the board of education.

SEC. 8. Before entering upon the discharge of the duties of his office the superintendent shall subscribe, before an officer duly authorized to administer oaths, the following: "I do solemnly swear (or affirm) that I will support the constitution of the United States, the organic

act of the territory, and that I will faithfully discharge the duties of the office of territorial superintendent of schools according to law, and the best of my knowledge and ability; So help me God." Which being duly attested, shall be filed with the territorial auditor.

SEC. 9. The superintendent shall, at the expiration of his term of office, deliver over, on demand, to his successor, all property, books, documents, maps, records, and other papers belonging to his office, or which may have been received by him for the use of his office.

TITLE II.

BOARD OF EDUCATION.

SEC. 10. The governor shall appoint, by and with the advice and consent of the legislative council, one suitable person from each judicial district, who, together with the territorial superintendent, shall constitute the territorial board of education, who shall hold their offices for two years, from the first Monday in January next following their appointment. They shall be notified of their appointment in the same manner as may be prescribed by law for giving notice to other territorial officers, and within twenty days after receiving such notice, shall qualify by taking a similar oath to that which is required by this act to be administered to the superintendent of public instruction, which, being duly attested, shall be filed with the territorial auditor. They shall serve until their successors are appointed and qualified.

SEC. 11. The meetings of the board shall be held annually, at Olympia, on the second Monday in July, and the board may hold such other meetings as they may deem necessary for the transaction of the public business: *Provided*, That the aggregate expenses of the board shall not, by reason of such meetings, be made to exceed the sum appropriated to the use of the board.

SEC. 12. Said board shall have power—

First—To adopt or re-adopt at their regular meeting in July a uniform series of text books throughout the territory, whenever they can secure an exchange of the books, at anytime in use, for those of the same grade, or an exchange of those of a lower grade for those of the next higher grade without a greater average cost to the people than two-fifths of the contract retail price of the books in use at the time of the adoption; and enter into contracts with publishers for the supply of the same, to take effect on the first of the following September, and the books so adopted shall not be changed within five years thereafter, unless the publishers of such adopted books shall cause the price agreed upon to be increased, or shall thereafter publish books of an inferior quality. Before making any adoption the board shall advertise for at least sixty days in one paper in each judicial district, of general circulation, that they will receive sealed proposals for the supply of text books to the people of the territory. Said advertisement shall state the day and hour upon which such proposals shall cease to be received. It shall also name all the kinds of books for supply of which proposals are invited,

and be signed by the president and secretary of the board, and that said proposals so advertised for shall state the price at which the books proposed shall be exchanged for the books in use at the time of making such proposal, and it shall state the wholesale price which shall be maintained in the territory, and also the uniform retail price which shall be maintained in every county in the territory during the time the books shall remain in use. Said proposals shall be marked "sealed proposal to furnish text books for the schools of Washington Territory," and shall be addressed to the secretary of the board of education, and shall not be opened before the hour advertised, nor in the presence of less than three members of the board. Immediately upon the opening of bids, they shall be read in open board, and adoption of books and award of contract shall be made within ten days following. No books shall be adopted without a majority vote of the whole board: *Provided*, That nothing in this section shall be so construed as to compel the board to adopt or re-adopt any series of books for which no satisfactory proposals have been made. The publishers, awarded the contract by the board, shall guarantee all the terms of the proposal on which it is made by a bond, with two or more sufficient sureties, for its faithful performance, and shall cover such a period as the books may remain in use. Said bond to be approved by the board.

Second—To prescribe rules for the general government of the public schools, that shall secure regularity of attendance, prevent truancy, secure efficiency and promote the true interest of the schools; they shall prepare, or cause to be prepared, blank forms for the reports of teachers, directors, county superintendents and for other necessary purposes. The board shall have the general supervision of the territorial normal school whenever the same shall be established by law.

Third—To use a common seal, and elect one of their own members secretary.

Fourth—To order all printing that may be necessary to carry into effect the provisions of this act.

Fifth—To sit as a board of examination at their annual meetings and grant Territorial certificates and diplomas. Territorial certificates shall be granted only to such applicants as shall file with the board satisfactory evidence that they have taught successfully twenty-seven months, at least nine months of which shall have been in the public schools of this territory. The applicant must also either pass a satisfactory examination in all the branches required by law to be taught in the public schools of this territory, or file with the board certified copies of a diploma from some state normal school, or a state or territorial certificate from some state or territory, the requirements to obtain which shall not have been less than those required by this act. Territorial certificates shall be valid for five years, and shall entitle the holder to teach in any public school in the territory. They may be revoked at any time for cause deemed sufficient by the board, and may be renewed without re-examination. Life diplomas shall be granted only to such applicants as shall file with the board satisfactory evidence that they have taught successfully for ten years, not less than one of which shall have been in the public schools of this Territory.

In other respects the requirements shall be the same as those required for territorial certificates; but life diplomas shall be valid during the life of the holder, unless revoked for cause deemed sufficient by the board, and shall entitle the holder to teach in any public school in the territory. The fee for territorial certificates shall be six dollars, and for life diplomas ten dollars. Said fees must be deposited with the application, and cannot be refunded to the applicant unless the application be withdrawn before it has been considered by the board. The fees collected shall be used for the payment of the incidental expenses of the board of education.

SEC. 13. It shall be the duty of the board of education to prepare, annually, a uniform series of questions to be used by the county board of examination in the examination of teachers of the territory.

SEC. 14. All certificates granted by the board of education may be revoked for immoral or unprofessional conduct.

SEC. 15. All needed stationery for the use of, and any printing authorized by the board, as well as all necessary traveling expenses of the members of the board, incurred in going to or returning from the place of meeting, shall be paid out of the territorial treasury, the accounts for the same to be presented by direction of the board, duly certified by the territorial superintendent to the territorial auditor, to be first audited and allowed by him and then certified to the territorial treasurer for payment. Each member of the board shall receive four dollars per day for the time actually employed in traveling to, attending on and returning from, the meeting of the board: *Provided*, That the expenses of the whole board shall not exceed the sum of three hundred dollars in any one year.

SEC. 16. Whenever any vacancy in the board shall occur, whether by death, removal, resignation or otherwise, the governor shall fill the vacancy by appointment. And all males and females over the age of twenty-one years shall be eligible to hold, or be elected to, any office under this act.

TITLE III.

COUNTY SUPERINTENDENT.

SEC. 17. A county superintendent of common schools shall be elected in each county of the territory at each general election, who shall take the office on the second Monday in January next succeeding his election, and hold for two years, or until his successor is elected and qualified. He shall take the oath or affirmation of office, and shall give an official bond to the county in a sum to be fixed by the board of county commissioners. The county commissioners of each county shall fill any vacancy that may occur in the office of county superintendent until the next general election.

SEC. 18. The county superintendent shall, on or before the first Monday in February and August of each year, apportion all school moneys to the school districts, in accordance with the provisions of this

act. He shall certify to the several districts clerks and to the county treasurer the amounts so apportioned to the several districts; and the directors shall draw their warrants on the county treasurer in favor of persons entitled to receive the same. Such warrants shall show for what purpose the money is required.

SEC. 19. Each county superintendent shall have the power and it shall be his duty—

First—To visit each school in his county once a year.

Second—To distribute promptly all reports, laws, forms, circulars and instructions which he may receive for the use of the schools and teachers.

Third—To report to the superintendent of public instruction, annually, on the first day of August, for the school year ending June thirtieth, next preceding, giving the number of children of school age, the number of school houses, the number of school districts, the amount of money apportioned each year, the amount paid to teachers, the amount paid for school houses and furniture, and any other matter of interest connected with schools, or with the conduct and management of schools.

Fourth—To enforce the course of studies adopted by the board of education.

Fifth—To enforce the rules and regulations required in the examination of teachers.

Sixth—To keep on file and preserve in his office the biennial report of the superintendent of public instruction.

Seventh—To keep in a good and well bound book, to be furnished by the county commissioners, a record of his official acts.

Eighth—To carefully preserve all reports of school officers and teachers, and at the close of his term of office deliver to his successor all records, books, documents and papers belonging to the office, taking a receipt for the same, which shall be filed in the office of the county auditor.

SEC. 20. If the county superintendent fails to make a full and correct report to the superintendent of public instruction, of all statements required to be made by law, he shall forfeit the sum of fifty dollars from his salary, and the board of county commissioners are hereby authorized to and required to deduct therefrom the sum aforesaid, upon information from the superintendent of public instruction that such reports have not been made.

SEC. 21. The county superintendent shall have power to administer oaths and affirmations to school directors, teachers and other persons, in all official matters connected with or relating to schools, but shall not make or collect any charge or fee for so doing, and shall be eligible to teach any school in the county in which he is selected to hold office.

SEC. 22. The county superintendent shall have power and it shall be his duty to appoint directors and district clerk for any district which, from any cause, fails to elect at the regular time; to appoint directors and district clerks to fill vacancies, to appoint directors and district

clerks for any new districts; *Provided, however,* That when any new district is organized such of the directors and district clerk of the old district as reside within the limits of the new one, shall be directors and district clerk of the new one, and the vacancies in the old district shall be filled by appointment; that the county superintendent shall have power to call a school meeting at the request of a majority of the legal voters, when in his opinion the interests of education require it; *Provided,* That said request for such school meeting be first laid before the directors of the district, and action be thereon refused by them.

SEC. 23. It shall be the duty of the county superintendent to inquire and ascertain whether the boundaries of school districts in his county are definitely and plainly described in the records of the county commissioners, and if such boundaries are not plainly described on such records, then it shall be his duty to furnish to said board of county commissioners, accurate boundaries of all school districts; and he shall keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall change, harmonize and describe them, and make a report of said actions to the county commissioners; and on being ratified by the county commissioners the boundaries and description so made shall be legal boundaries and descriptions of the districts of the county. The county superintendent shall furnish the district clerks with descriptions of the boundaries of their respective districts.

SEC. 24. Every school superintendent shall receive a salary of one hundred dollars per annum, and when the number of scholars shall exceed five hundred, then he shall receive the sum of five dollars for each additional one hundred scholars and three dollars for each school visited once during the year, together with mileage at the rate of ten cents per mile for going to and returning from said school, to be paid quarterly in the same manner as the salaries of other county officers upon his certifying to the county commissioners that he has actually discharged the duties required.

SEC. 25. Each county superintendent shall call to his assistance two persons holding the highest grade certificates in his county, and such persons, with the county superintendent, shall constitute a board for the examination of teachers. It shall be the duty of the county board of examination to be at the county seat on the second Wednesday of February and August, for the purpose of examining teachers; the superintendent shall give ten days' notice of the same by posting up hand bills or otherwise; the superintendent shall also, at such time and place, transact such other business as properly appertains to his office. And any person or district applying on different days for the transaction of such business, shall pay the superintendent a reasonable compensation for his trouble, not exceeding the sum of two dollars. A proper allowance shall be made out of the county treasury for the necessary books, stationery and postage for the county superintendent's office: *Provided,* That such persons called to the assistance of the county superintendent shall receive three dollars per day for the time actually employed, and mileage at the rate of ten cents per mile.

SEC. 26. There shall be three grades of county certificates, first, second and third. Unless revoked for cause, first grade certificate shall entitle the holder to teach for three years; second grade for two years and third grade for one year. No first certificate shall be granted until the applicant shall have filed with the county superintendent satisfactory written evidence of having taught successfully one year. Boards of examination may in their discretion issue certificates without examination upon deposit of certified copies of other certificates of like grade, issued in this or any other state or territory. Those holding first grade county certificates, and who shall have been actually engaged in teaching for three years, shall be eligible to examination for first grade territorial certificates: *Provided*, That the county superintendent may grant permits to such persons who may desire to teach in his county, who were not residents of the county, or who were unavoidably absent from the meeting of the county board of examination, and all permits so granted shall be good until the next meeting of the board: *Provided*, That any teacher holding a certificate in force and effect granted by any county board of education in this territory shall be entitled to exercise all of the duties of teacher in any county of this territory upon presenting said certificate to the county superintendent of the county in which said certificate is desired to be used, whose duty it shall be to endorse it, and said certificate shall be in full force and until the next meeting of the county board of education.

TITLE IV.

SCHOOL DIRECTORS.

SEC. 27. For the purpose of organizing a new district, or for the sub-division of, or change in, the boundaries of an old one, except as provided in section twenty-three, at least five heads of families must present a petition to the county superintendent, setting forth the boundaries of the new district asked for, or the change of the boundaries desired, with the reason for the same. The county superintendent shall, after giving notice to parties interested by posting notices, twenty days, in three of the most public places of the districts affected by said change, on the day fixed in said notice, proceed to hear and determine said petition, and make an order fixing said boundaries.

SEC. 28. No new district formed by the sub-division of an old one shall be entitled to any share of the public money belonging to the old district, until a school has actually commenced by such new district; and unless within eight months from the action of the county commissioners, a school is opened, the action making a new district shall be void, and all elections or appointments of directors made in consequence of such action, and all rights and office of the parties so elected or appointed, shall cease and determine; and all taxes which may have been levied in such old district, shall be valid and binding upon the real and personal property of new districts, and shall be collected and paid into the school fund of the district.

SEC. 29. When a new district is formed, by the division of an old one, it shall be entitled to a just share of the school moneys to the credit of the old district, after the payment of all outstanding debts at the time when school was actually commenced in such new district, and the county superintendent shall divide and apportion such remaining moneys, and such as may afterwards be apportioned, to the old district according to the number of school children resident in each district, for which purpose he may order a census to be taken.

SEC. 30. Whenever a district is formed, lying in two adjoining counties, the clerk of the district shall report to each county superintendent the number of children in the district residing in his county. In the same manner the directors and teachers shall make a distinct and separate report of all school statistics, and a teacher's certificate granted by the county superintendent of one county, shall be valid for both.

SEC. 31. No school district shall be entitled to receive any apportionment of county school moneys unless the teachers employed in the schools of such district shall hold legal certificates of fitness for the occupation of teaching, in full force and effect.

SEC. 32. No school districts shall be entitled to receive any apportionment of county school moneys which shall not have maintained public school for at least three months, during the preceding year: *Provided*, That any new district formed by the division of an old one shall be entitled to its just share of school moneys when the time that school was maintained in the old district before division, and in the new one after division, shall be equal to at least three months.

SEC. 33. Districts having less than fifteen scholars between the ages of six and twenty-one years, shall be exempted from the requirements of the preceding section and may, by organizing and reporting to the superintendent according to law, draw their school money, without being required to comply with the provisions of the school law any further than the said organization, necessary report and regular enumeration of children are concerned; and in such district two legal voters shall constitute a quorum to do business: *Provided*, That no warrant shall be drawn on the county treasurer for any money except for the payment of teachers, and if no school be kept in such district during the period of two years, for at least three months, the money so apportioned to the district shall revert to the general school fund of the county.

TITLE V.

SCHOOL DIRECTORS.

SEC. 34. The board of directors of each school district shall have custody of all school property belonging to the district, and shall have power, in the name of the district or in their own names as directors of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold by vote of the district, and all conveyances of real estate made to the district, or to the directors thereof, shall be made to the board of directors of the district and to

their successors in office; said board in the name of the district shall have power to transact all business necessary for maintaining schools and protecting the rights of the district.

SEC. 35. An annual school meeting for the election of school directors and district clerk shall be held in each district on the first Saturday in November of each year, at the district school house, if there be one and if there be none, at a place to be designated by the board of directors. The directors shall post written or printed notices thereof, specifying the day, time and place of meeting. All elections shall be by ballot, and the directors shall have power to determine the house in which the ballot box shall be kept open, having given due notice thereof in the posted notices of election. Every inhabitant, male or female, over the age of twenty-one years, who shall have resided in the school district for three months immediately preceding any district meeting, and who shall have paid, or be liable to pay any tax, except poll or road tax in said district, shall be a legal voter at any school meeting, and no other person shall be allowed to vote; and person offering to vote may be challenged by any legally qualified elector of the district, and the chairman of the board of directors shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such; that you are twenty-one years of age, according to the best of your information and belief; that you have resided in this district ninety days next preceding the election, and that you are a taxable resident of this school district, exclusive of road or poll tax, and that you have not before voted this day." If he shall refuse to take the oath his vote shall be rejected. Any person guilty of illegal voting, shall be punished as provided in the general election law of the territory. The directors shall be the judges and inspectors of the election, and if they are not present at the time of opening the polls, then the electors present may appoint the officers of the election; a poll and tally list shall be kept by the clerk of the board of directors; and with the exceptions mentioned in this section, the elections shall be conducted as far as practicable in the form and manner of the general election. Anyone of the old directors shall have power to administer to any director elect the oath of office, and the clerk of the election shall issue the certificate of election to any director elect, who shall forward it, with the oath attached or endorsed thereon, to the county superintendent of public schools.

SEC. 36. In all organized districts in which elections have been previously held one director shall be elected for the term of three years, and if any vacancies are to be filled, a sufficient number to fill them for the unexpired term; and the ballot shall specify the respective terms for which each director is to be elected. In new districts, acting under directors appointed by the county superintendent; three directors shall be elected for one, two and three years respectively; directors elect shall take office immediately after qualifying and shall hold office until their successors are elected and qualified; any director elect, who shall fail to qualify within ten days after being elected, shall forfeit all right to the office and the county superintendent shall appoint to fill the vacancy until the next annual school meeting.

SEC. 37. Whenever a new district is formed by order of the board of county commissioners, within thirty days thereafter, a special school meeting may be called by notice of any three legal voters of said district, and such meeting shall be conducted in a manner and form prescribed in this act, for the annual school meeting for the election of directors. Such new district shall be considered organized whenever two of the directors shall have qualified and the record of the district clerk shall be *prima facie* evidence of the legal organization of the district, and the district shall be designated by number.

SEC. 38. Every board of directors, unless otherwise specially provided by law, shall have power and it shall be their duty:

First—To employ and for sufficient cause dismiss teachers, mechanics and laborers; and to fix, alter, allow and order paid their salaries and compensation.

Second—To enforce the rules and general regulations of the territorial board of education for the government of schools, pupils and teachers, and to enforce the course of studies adopted by the board of education.

Third—To provide and pay for school furniture and apparatus and such other articles, materials and supplies, as may be necessary for the use of the school board.

Fourth—To suspend or expel pupils from school and in cities or towns to exclude from school all pupils under six years of age.

Fifth—To rent, repair and furnish school houses.

Sixth—To build or remove school houses, purchase and sell school lots when the directors are directed by a vote of the district so to do.

Seventh—To purchase real and personal property in the name of the district, and to receive, lease and hold for their district any or all real or personal property.

Eighth—To provide books for indigent children on the written statement of the teacher that the parents of such children are unable to purchase them.

Ninth—To require all pupils to be furnished with such books, as may have been adopted by the territorial board of education, as a condition to membership to the school.

Tenth—To exclude from school and from school libraries, all books, papers, tracts, or catechisms of an infidel, sectarian or partisan character.

SEC. 39. Any board of directors shall be liable as directors in the name of the district for any judgment against the district for any salary due any teacher and for any debts legally due, contracted under the provisions of this act, and they shall pay such judgment or liability out of the school funds only, to the credit of the district.

SEC. 40. Any board of directors shall have power to make arrangements with the directors of an adjoining district for the attend-

ance of such children in the school of either district as may be best accommodated therein, and to transfer the school money due by apportionment to such children to the district in which they may attend school.

TITLE VI.

SCHOOL CLERKS.

SEC. 41. It shall be the duty of the district clerk to record all proceedings of the annual meetings, or special school meetings, and to keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the district clerk must present his record book for public inspection, and shall make a statement of the financial condition of the district, and of the action of the directors; and such record must always be open for public inspection.

SEC. 42. It shall be the duty of the district clerk to take, annually, between the tenth and thirtieth of June of each year, an exact census of all children and youth between the ages of six and twenty-one years of age, residing in the district, and shall specify the number and sex of such children, and the names of their parents or guardians. He shall state, specifically and separately, a census of all children under four years of age, and shall specify the number and sex of such children; but all children who may be absent from home, attending boarding school or any public or private schools or seminaries of learning, shall not be included by the school district clerk in the census list of the city, town, or district where they may be attending such private institutions of learning. He shall make a full report thereof, on blanks furnished for that purpose, under oath, to the county superintendent, on or before the first day of July thereafter, and deliver a copy to the school directors.

SEC. 43. The clerk of each district shall provide all school supplies authorized by this act, and shall keep the school house in repair and shall keep an accurate record of all expenses incurred by him on account of the school, which account shall be audited by a majority of the board of directors and paid out of the district school fund.

SEC. 44. It shall be the duty of every district clerk to report to the county superintendent, at the beginning of each term, the name of the teacher and the proposed length of the term, and supply the teacher with a school register.

TITLE VII.

DISTRICT MEETINGS.

SEC. 45. District school meetings, annual or special, shall be held

at such time as may be designated in the notice therefor, and in all districts the polls shall be kept open at least two hours; *Provided*, That the polls shall in no case be opened before 9 o'clock A. M., nor be kept open later than 8 o'clock P. M.

TITLE VIII.

TEACHERS.

SEC. 46. Every teacher employed in any public school shall make a report to the county superintendent, at the close of any school, in the form and manner and on the blanks prescribed by the board of education. A duplicate of said report shall be furnished to the district clerk. Any teacher who shall end any school term before the close of the school year, shall make a report to the county superintendent immediately after the close of such term; and any teacher who may be teaching any school at the close of the school year shall, in his or her annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year. No board of directors shall draw any order or warrant, for the salary of any teacher for the last month of his or her service, until the reports herein required shall have been made and received.

SEC. 47. Every teacher shall keep a school register, in the manner provided therefor, and no board of directors shall draw any warrant for the salary of any teacher for the last month of his or her services in school, at the end of any term or year, until they shall have received a certificate from the district clerk that the said register has been properly kept, the summaries made and statistics entered, or until, by personal examination, they shall have satisfied themselves that it has been done. Teachers shall faithfully enforce in school the course of study and regulations prescribed by law, and if any teacher shall willfully refuse or neglect to comply with such regulations, then the board of directors shall be authorized to withhold any warrant for salary due, until such teacher shall comply therewith. No teacher shall be entitled to draw for salary on school moneys unless such teacher shall be employed by a majority of the directors, nor unless the holder of a legal teacher's certificate or permit in full force and effect.

SEC. 48. In every contract, whether written or verbal, between any teacher and board of directors, a school month shall be construed to be twenty school days, or four weeks of five days each, and no teacher shall be required to teach school on Saturdays, the first day of January, Christmas day, the fourth of July, or any other legal holiday, and no deduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

SEC. 49. Every teacher shall have power to hold every pupil to a strict accountability in school for any disorderly conduct on the way to or from school, or on the grounds of the school, or during intermission or recess; to suspend from school any pupil for good cause: *Provided*,

That such suspension shall be reported to the directors as soon as practicable, and their decision shall be final.

SEC. 50. It shall be the duty of all teachers to endeavor to impress on the minds of their pupils the principles of morality, truth, justice and patriotism; to teach them to avoid idleness, profanity, and falsehood, and to instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties and dignity of American citizenship.

TITLE IX.

SCHOOLS.

SEC. 51. Every school, not otherwise provided for by special law, shall be open for the admission of all between the age of six and twenty-one years residing in that school district and the board of directors shall have power to admit adults and children not residing in the district.

SEC. 52. All schools shall be taught in the English language, and instruction shall be given in the following branches, viz: Reading, writing, orthography, arithmetic, geography, English grammar, physiology and history of the United States. Attention shall be given during the entire course to the cultivation of manners, morals, to the laws of health, physical exercise, ventilation and temperature of the school room.

SEC. 53. No books, tracts, papers, catechisms or other publications of a partisan, or denominational character shall be used or distributed in any school; neither shall any political, sectarian, denominational or infidel doctrine be taught therein; and any teacher who shall violate these provisions shall forfeit his permit or certificate for the period of one year.

SEC. 54. The school days shall be six hours in length, exclusive of any intermission at noon, but any board of directors may fix as the school day a less number of hours than six: *Provided*, That it be not less than four for any primary school under their charge, and any teacher may dismiss any or all scholars under eight years of age, after an attendance of four hours a day, exclusive of an intermission at noon. No teacher or scholar shall be permitted to attend school from any house in which small-pox, varioloid, scarlet fever, diphtheria, or any other contagious or loathsome disease is prevalent. No teacher or scholar shall be permitted to return to school from any house where the above mentioned diseases or any of them have prevailed until three weeks shall have elapsed from the beginning of convalescence of the patient. In case several individuals have been affected with such disease within the same house, the period of time must be reckoned from the beginning of convalescence of the last case.

SEC. 55. All pupils, who may attend public schools, shall comply with the regulations established in pursuance of the law for the government of such schools, shall pursue the required course of study, and

shall submit to the authority of the teachers of such schools. Continued and willful disobedience and open defiance of authority of the teachers shall constitute good cause for expulsion from school. Any person who shall in any way cut, deface or otherwise injure any school house, furniture, fence or out building thereof shall be liable to suspension and punishment, and the parents or guardian of such pupil shall be liable for damage on complaint of the teacher or any director.

SEC. 56. The school year shall begin on the first day of July and end on the last day of June.

TITLE X.

SUPPORT OF SCHOOLS.

SEC. 57. The principal of all moneys accruing to the Territory from the sale of any lands, which have been, or which may hereafter be given by congress of the United States for school purposes, shall constitute an irreducible fund, the interest accruing from which shall be annually divided among all the school districts of the territory, proportionately to the number of children in each between the ages of six and twenty-one years for the support of common schools and for no other purpose whatever.

SEC. 58. For the purpose of establishing and maintaining public schools, it shall be the duty of the county commissioners of each county to levy an annual tax, not less than two and not more than six mills on the dollar, on all taxable property within their respective counties, as shown by the assessment roll made by the county assessor for the same year, and to include the same in their warrant to the collector, and the said collector shall proceed to collect said tax in the same manner as the other taxes are collected, and the said money so collected shall be paid over to the county treasurer, to be drawn in the manner prescribed in this act. For the support of the common schools there shall be set apart by the county treasurer, all moneys paid into the county treasury, arising from fines for a breach of any law regulating license for the sale of intoxicating liquors, or for keeping of bowling alleys, or billiard saloons or of any penal laws of the territory.

SEC. 59. It shall be the duty of the auditors of the several counties of the territory to make a report to the county superintendent of common schools within the counties, the first Monday in July of each year, of the school tax levied, and the assessed valuation of their counties for that year, and it shall be the duty of the clerk of the district court at the close of every term thereof, to report to the county superintendent of the county in which said term shall have been holden, whether or not any fines, and if any, what, with the date of which the same were paid to the county treasurer, and all officers mentioned in this act, who shall fail or neglect to perform any of the duties required by this act, shall be deemed guilty of a misdemeanor, and upon conviction before any court having competent jurisdiction, shall be fined in any sum not less than

twenty dollars and not more than one hundred dollars for each neglect and such fine shall be paid into the county treasury for the benefit of common schools in said county.

TITLE XI.

UNION OR GRADED SCHOOLS.

SEC. 60. Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school, the clerks of said districts shall, upon a written application of five voters of their respective districts, call a meeting of the voters of such districts at some convenient place by posting up written notices in like manner as provided for calling district meetings, and if a majority of the voters of each of such districts shall vote to unite for the purpose herein stated, they shall at that meeting, or at any adjourned meeting, elect three directors and a clerk for such a union district. Single districts containing two hundred or more children, entitled to draw public money, may, in like manner, organize a graded school district.

SEC. 61. The board of directors provided for in the preceding section shall, in all matters relating to graded schools, possess all the power, discharge all the duties and be governed by the laws herein provided for district directors, and they shall be elected in the same manner as provided in a preceding section.

SEC. 62. The union district thus formed shall be entitled to an equitable share of the school fund, to be drawn from the county treasury in proportion to the number of children attending such graded schools for each district.

TITLE XII.

GRADED SCHOOLS IN INCORPORATED CITIES OR TOWNS.

SEC. 63. That each incorporated city or town in this territory shall be comprised in one school district and under one board of school directors, and in all such cities or towns, where the enumeration of school children entitled to draw school money is three hundred or more, the directors shall be required to adopt the graded system of teaching in their schools: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city or town districts a reasonable distance outside the limits of such incorporated city or town: *And, Provided further*, That the schools of such cities and towns may be graded in such manner as the directors thereof may deem best suited to the wants of such districts. But no other language than the English, Latin and mathematics higher than algebra, shall be taught in such graded schools.

SEC. 64. The directors of incorporated city or town districts may, in their discretion, elect one city or town school superintendent in each district, who may be a teacher of the district, and who shall have the control or management of all the schools in his district, subject to the concurrence of the board of directors.

SEC. 65. It shall be the duty of the city or town superintendent to visit all the common schools in his district as often as twice in every month during school terms, and to see that all requirements of the school law and the board of directors are enforced.

SEC. 66. The directors of any school district, composed of any incorporated city or town, shall, when in their opinion it is necessary, levy a special tax of not exceeding ten mills in any one year, for the purpose of building school houses or purchasing school sites, which tax shall be levied and collected as provided in the general school law; *Provided*, That no special school tax shall be levied or assessed in any district until the same shall have been submitted to the qualified voters of such districts as required by law, and a majority of the votes cast shall be in favor of such tax.

SEC. 67. The directors of such district may also have power to levy a special tax of not exceeding five mills in any one year for tuition purposes in their district as provided by law: *Provided*, That such tax shall be levied in accordance with the provisions of section 66 of this title.

SEC. 68. When two or more school districts in any town or city are united by the provision of this act, all the directors of the district so united shall act as directors of the said new district, and shall have all the powers and authority conferred by the laws of this territory upon school directors, and they may designate the person to act as clerk of said district until the next annual school meeting in said district, at which time there shall be three directors and one clerk elected for said district, in the manner provided by law, who shall hold their respective offices as provided for officers of new districts.

SEC. 69. Districts thus formed shall be entitled to their full share of public school fund moneys, to be drawn from the county treasury in proportion to the school enumeration of such districts.

SEC. 70. Directors failing to organize their districts as herein provided, within one hundred and twenty days after the passage of this act, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding five hundred dollars, provided they are supplied with sufficient money to organize the same.

TITLE XIII.

SCHOOL OFFICERS.

SEC. 71. When any school, officer or teacher is superseded by election or otherwise, he shall immediately deliver to his successor in office, all

books, papers and moneys pertaining to his office, and every such officer who shall refuse to do so, or who shall willfully mutilate or destroy any such books or papers, or any part thereof, or who shall misapply any moneys entrusted to him, by virtue of his office, shall be deemed guilty of a misdemeanor and shall be punished by a fine in the discretion of the court, not to exceed one hundred dollars.

SEC. 72. Every person elected or appointed to any office mentioned in this act, shall, before entering upon the discharge of the duties thereof, take an oath to support the constitution of the United States, the organic act of the territory, and to promote the interests of education, and faithfully discharge the duties of his office according to the best of his ability. In case any officer has a written appointment or commission, his oath shall be endorsed thereon, and sworn to, before any officer authorized to administer oaths. School officers are hereby authorized to administer all oaths appertaining to their respective offices, without charge or fee.

SEC. 73. No school director or other school officer shall be directly or indirectly interested in any contract that may be made by a board of which he is a member. Any contract, made in violation of this provision, shall be null and void.

SEC. 74. All fines and penalties not otherwise provided for in this act, shall be collected by an action in any court of competent jurisdiction, and shall be paid into the school fund immediately after collection.

SEC. 75. Any parent, guardian or other person, who shall upbraid, insult or abuse any teacher in the presence of the school shall be deemed guilty of a misdemeanor, and liable to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 76. Any person who shall willfully disturb any public school or any public school meeting, shall be guilty of a misdemeanor and liable to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 77. In case any district clerk shall fail to take the census provided for in this act at the proper time, and if, through such neglect, the district shall fail to receive its apportionment of school moneys, said district clerk shall be individually liable to the district for the full amount so lost, and it may be recovered in a suit brought by any citizen of such district in the name of, and for the benefit of such district.

SEC. 78. All cases of disputes, in relation to school matters, not properly belonging to courts of justice, may be referred first to the county school superintendent, and appealed to the territorial superintendent, whose decision shall be final.

TITLE XIV. .

TEACHERS' INSTITUTES.

SEC. 79. Each superintendent of the common schools of any county in this territory, containing five hundred census children, shall

hold once a year, a county institute, of not less than three days, at which instruction shall be given in the best method of teaching the branches required by law to be taught in the public schools, and the county commissioners may appropriate for the expenses of the institute, a sum not exceeding one hundred dollars annually; counties having less than five hundred census children may, at the option of the county superintendent, unite with any neighboring county for the purpose of holding an institute. All teachers in the county, where the institute is held, shall be required to attend such institute during its full time; but a strict record shall be kept of the attendance, absence or tardiness at each day's session of the institute, and the county superintendent shall, at the close of the institute, transmit the record of any teacher to the clerk of the district where said teacher may be at the time employed; and said teacher so absenting himself shall forfeit one dollar for each day's absence.

TITLE XV.

SPECIAL TAXES.

SEC. 80. The board of directors of any district may, when in their judgment it is advisable, submit to the qualified school electors of the district, the question whether a tax shall be raised to furnish additional school facilities for said district, or for building one or more school houses, or for removing, or building additions to one already built, or for the purchase of globes, maps, charts, books of reference and other appliances or apparatus for teaching, or for any or all of these purposes. Such election shall be called by posting notices in three public places in the district, for at least twenty days. Said notice shall contain the time of and place of holding the election, the amount of money proposed to be raised, and the purpose or purposes for which it is intended to be used. The directors shall act as judges to conduct the election, and it shall be, in all other respects, as nearly as practicable, in conformity with the general election law. At such elections the ballots shall contain the words "tax, yes" or "tax no." If the majority of votes cast are "tax, yes," the officers of the election shall certify the fact to the district clerk, who shall at once proceed to copy from the assessment roll of the lists of property liable to taxation, sitxated in, or owned by residents of the district, and shall deliver the same to the board of directors, who may allow him a reasonable compensation therefor, out of the proceeds of said tax; said compensation not to be more than four dollars per day: *Provided*, That in all districts, including incorporated towns and cities, the district clerk shall copy the list of property within the corporate limits from the town or city assessment roll, and the property within the district, but outside the corporate limits, from the county assessment roll: *Provided*, That in the above mentioned district including incorporated towns or cities, the directors shall certify the same to the district clerk, who shall extend the same on the

roll prepared by him, and the rate ascertained shall be and is hereby levied and assessed to, on or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid. The clerk shall publish for three successive weeks in some newspaper published in said district, or if there be none, then in some newspaper published nearest thereto, a notice that said special tax roll is now in his hands and that the taxes are due thereon and the said taxes if not paid within sixty days from and after the first day of publication of such notice, shall be declared delinquent and shall be recovered by suit in the same manner and with the same costs as other delinquent taxes in said town or city. The district clerk shall follow the same procedure in the collection of taxes, advertising, sale, and deeding of property sold for delinquent taxes as that prescribed for similar duties in the delinquent taxes of said county and shall be allowed the same fees therefor. The directors shall, upon receiving the roll deduct ten per centum therefrom for anticipated delinquencies, and dividing the sum voted together with the estimated cost of assessing and collecting added thereto, by the remainder of the roll, ascertain the rate per cent required, and the rate so ascertained (using the full per cent. on each one hundred dollars instead of the fraction) shall be, and is hereby levied and assessed, to, on or against the persons or property named or described in said roll, and it shall be a lien on all such property until the tax is paid, and the said tax, if not paid within the time limited by the next section for its payment, shall be recovered by suit in the same manner, and with the same costs, as delinquent territorial and county taxes: *Provided, further,* That not more than two meetings shall be held in any one year under the provisions of this section.

SEC. 81. As soon as the rate of taxation has been determined, as provided in the last preceding section, the directors shall certify the same to the county auditor, who shall extend the same upon the general assessment roll of the county and certify the same to the county treasurer who shall proceed to collect the tax in the same manner and at the same time and with the same power and authority to enforce payment of the same as in the case of county and territorial taxes. The county treasurer shall place any tax so collected to the credit of the district to which it belongs, and shall receive as compensation for collecting the same such sum not more than two per cent. of the tax collected, as may be allowed by the county commissioners; such compensation to be paid from the amount of said district tax, so collected: *Provided,* That such commission shall not be paid when a county treasurer receives a salary in lieu of commissions.

SEC. 82. All school moneys apportioned by county superintendents of common schools shall be apportioned to the several districts in proportion to the number of school children between four and twenty-one years of age, as shown by the returns of the district clerk for the preceding year: *Provided,* That Indian children, who are not living under the guardianship of white persons or American citizens, shall not be included in the apportionment list, excepting those whose parents have severed their tribal relations or own real estate in the district subject to taxation.

TITLE XVI.

COUNTY TREASURER.

SEC. 83. It shall be the duty of the county treasurer of each county, first to receive and hold all school moneys, as a special deposit, and to keep a separate account of their disbursements to the school districts, which shall be entitled to receive them according to the apportionment of the county superintendent of common schools. Second, To notify the county superintendent of common schools of the amount of county school fund in the county treasury whenever required, and to inform said superintendent of the amount of school money belonging to any other fund subject to apportionment. Third, To pay the amount of county school tax levied and such other moneys paid into the school fund on the warrants of directors whenever such warrants are countersigned by the district clerk and properly endorsed by the holders. Fourth, To make, annually, on the first of August of each year, a financial report, for the last preceding school and fiscal year ending with June 30th, to the county superintendent of common schools in such form as may be required by law.

TITLE XVII.

MISCELLANEOUS.

SEC. 84. Whenever the word he or his occurs in this act referring to either superintendents, directors or teachers, it shall be understood to mean also she or her.

SEC. 85. Any series of text books adopted by the board of education shall remain in use not less than five years.

SEC. 86. Any teacher who shall maltreat or abuse any pupil by administering any undue or severe punishment, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars.

SEC. 87. All applicants for certificates shall be examined in reading, writing, orthography, arithmetic, geography, English grammar, physiology, history of the United States, school law of the territory and theory and practice of teaching.

SEC. 88. All school districts in the territory shall maintain schools during at least three months in each school year. All graded school districts not in incorporated towns and cities shall maintain school at least six months, and all graded districts in incorporated towns and cities shall maintain school at least six months, and no district which has been organized more than one year shall receive any portion of the school fund which has not during the school year, next preceding, complied with the provisions of this section.

SEC. 89. All guardians and other persons in this territory having, or who may hereafter have, the immediate custody of any child or children between the ages of eight and eighteen years, shall send the same to school at least three months in each year, said child or children may remain under their supervision: *Provided*, That if the person having the custody of said child shall not be able to pay for its education as provided in this section, and shall satisfy the directors of that fact, such child shall be admitted free of cost.

SEC. 90. All time lost to any child in consequence of a school not being taught the required length of time, or from any other good reason, shall be made up the ensuing year, or so soon as such disability is removed and a school is taught a sufficient time in their district to allow of such amend.

SEC. 91. In all cases where any person having the custody of any child shall fail to send said child to school the required length of time, provided that an opportunity has offered, and no good reason can be shown for the failure, then said person shall pay to the district clerk of his school district, on the presentation of a warrant from the school directors, the sum of one hundred dollars, to be incorporated into the school fund and used for school purposes in said district; but the county commissioners shall have power to remit fines arising by virtue of this act, when in their opinion justice demands a remission.

SEC. 92. It shall be the duty of the directors of schools to examine the school schedules and make out and present to the clerk of the district, on or soon after the first day of November of each year, warrants for all money forfeited under this act for the year ending on the day above mentioned, and the time for collection specified in said warrants shall not extend beyond the first day of January of the succeeding year.

SEC. 93. Clerks of school districts shall have the same power to collect percentage for collecting money accruing under this act, that they already have for collecting other school money; and they shall report to the probate judge before the first day of December of each year the name and residence of every orphan child that failed to attend school, as herein required, and the probate judge shall have power to remove such child and place it in the care of some other person who will be likely to comply with the requirements of this act.

SEC. 94. It shall be the duty of the territorial superintendent to prepare a list of questions, which shall be selected from among the questions prepared by the territorial board of education during the last five years, which list shall be sent to the county superintendent on or before the second Monday in January to be used by them at their regular February examination.

SEC. 95. All acts and parts of acts, upon any subject matter contained in this act, shall be and the same are hereby repealed.

SEC. 96. This act shall be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

RELATING TO INSPECTOR OF COAL MINES AND VENTILATION OF COAL MINES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the Governor shall appoint a suitable person inspector of coal mines in and for this Territory, who shall hold said office for the term of two years from and after the first Monday in January, 1884, and until his successor is appointed and qualified; and no person shall be appointed unless he is possessed of a competent knowledge and has a practical knowledge of mining and engineering and different systems of working and ventilating coal mines and of the nature and properties of the noxious and poisonous gases of mines, particularly fire damp.

SEC. 2. Before entering upon the discharge of the duties of the office, the inspector shall give bond to the Territory of Washington in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties; the bond, with his oath of office and approval of the governor indorsed thereon, shall be forthwith deposited with the Secretary of the Territory.

SEC. 3. The owner or owners or agent of every coal mine in operation in the territory, shall pay, or cause to be paid into the territorial treasury, the sum of four (4) mills on each and every ton of coal sold or used from such mines, which sum shall be paid quarterly, on the tenth day of January, April, July and October of each year, and shall constitute a separate fund, to be known and designated as the mining fund; and upon the refusal of any owner, owners or agent of any coal mine to make such payment as aforesaid, it shall be the duty of the prosecuting attorney of the district in which such mine is situated to commence suit in the name of the territory to collect the amount due from said delinquent.

SEC. 4. The inspector shall receive an annual salary not to exceed eighteen hundred dollars, to be paid quarterly out of the mining fund: *Provided,* That if the amount of said mining fund in the treasury shall not be sufficient to pay the amount of the inspector's salary above provided, he shall receive no other or greater amount than can be paid from said fund.

SEC. 5. The owners or agents of all coal mines shall make or cause to be made an accurate account of all coal sold or used from their mine or mines and forward the same to the inspector of coal mines once in every three months, and shall send a certified copy of the same to the territorial treasurer, such copy to be certified, under oath, before a proper officer.

SEC. 6. Every mine or mines in which inflammable gas has been found, shall, before working the same, be inspected with a safety lamp by a competent person or persons (previously examined by the inspector of coal mines in regard to his qualifications), in the following manner, viz: If one shift of workmen are employed, once in every twenty-four (24) hours; if two shifts of workmen are employed, once every twelve

(12) hours. He shall also inspect the roadways leading to the place of operation, and shall make a true report to the owner, agent or superintendent of such mine or mines of the condition of the same, concerning ventilation, gas, etc., and no workman shall enter such mine or mines or work therein until officially declared safe by the person appointed to inspect the same, as in this section provided.

SEC. 7. The inspector, in addition to his annual report to the governor, shall make a special report respecting casualties and accidents, if there be any, in a mine or mines which have caused the loss of human life or bodily injuries.

SEC. 8. Such special report shall be published at any time the governor deems expedient.

SEC. 9. Whenever an inquest is held, caused by a mine accident, the inspector of mines, or any person deputized by him, may examine any witness, subject to the order of the coroner.

SEC. 10. If at such inquest it shall appear in evidence that the accident has been caused by neglect or defect in or about the mine or mines, the coroner shall forthwith notify the inspector of mines thereof and apprise him of the same.

SEC. 11. The inspector, on the receipt of such notice, shall forthwith proceed to remedy all such defects found by him, and adopt every means available to insure safety of life and limb.

SEC. 12. Every owner, agent, superintendent or inspector who shall willfully and knowingly violate this act, or any part thereof, shall, upon conviction thereof, be fined in a sum not less than fifty dollars (\$50) or more than two hundred dollars (\$200), and stand committed until said fine is paid.

SEC. 13. That the inspector may enter, inspect and examine any mine in the territory, and the works and machinery belonging thereto, at all reasonable times by night or by day, but so as not to unnecessarily obstruct or impede the working of any mine or mines, and to make inquiry into the state and condition of the mine or mines, as to the ventilation and general security; and the owner or owners or agent of such mine or mines are hereby required to furnish the means necessary for such entry and inspection, of which inspection the inspector shall make a record, noting the time and all material circumstances; and the person having charge of any mine or mines, whenever loss of life occurs by accident connected with the working of any such mine or mines, or by explosion shall give notice forthwith, by mail or otherwise, to the inspector of such mine or mines, and to the coroner of the county in which such mine or mines are located, who shall hold an inquest upon the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the finding, and all the testimony to the inspector.

SEC. 14. The inspector, while in office, shall not act as an agent or as a manager or mining engineer, or be interested in operating any mine, and he shall annually make a report to the governor of all the proceedings or the condition and operation of the mines of the territory, enumerating all the accidents in and about the same and giving

all such other information as he thinks useful and proper, and making such suggestions as he deems best to further legislation on the subject of mining.

SEC. 15. The inspector shall keep his office in the county where so appointed, in which shall be carefully kept the maps and plans of all mines in the territory, and all records and correspondence, papers and apparatus and property pertaining to his duties, belonging to the territory, and which shall be turned over to his successor in office.

SEC. 16. The owner or owners or agent of any coal mine shall make or cause to be made an accurate map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch, showing the area mined or excavated, and the location and connection with such excavation of the mine, of the lines of all adjoining lands, and the name of such owner or owners, so far as known, marked on each tract, a true copy of which map the owner or agent shall deposit with the inspector and another copy of which shall be kept at the office of such mine and the owner or owners or agent shall, every four months thereafter, file with the inspector a statement and plan of the progress of the workings of such mine up to that date, which statement and plan shall be so prepared as to enable the inspector to mark the same on the original map or plan herein required to be made; and in case of refusal on the part of the owner or owners or agent of said mines to make and file the map or plan, or the addition thereto, the inspector is authorized to cause an accurate map or plan of the whole of said mine to be made at the expense of the owner thereof, the cost of which shall be recoverable against the owner in the name of the person or persons making the map or plan, which shall be made in duplicate, one copy being delivered to the inspector and the other left at the office of the mine or mines; and he shall, on being paid the proper cost thereof, on demand of any person interested in the working of such mine or mines, or owner of adjoining lands, furnish an accurate copy of any map or plan of the working of such mine or mines.

SEC. 17. It shall be unlawful for the owner or agent of any coal mine or mines, worked by shaft, tunnel or drift, wherein over fifteen thousand square yards have been excavated, to employ or permit any person to work therein, unless there are to every seam of coal worked in such mine at least two separate outlets, by which shafts or outlets, distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the one mine; the second outlet need not be made until fifteen thousand square yards have been excavated therein; and in case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of any such coal mine to permit more than twenty persons to work therein at any one time. In case a coal mine has but one shaft, slope, drift or tunnel for the ingress or egress of the men working therein, and the owner thereof does not own suitable surface ground for another opening, he may select and appropriate any adjoining land for that purpose and for approach thereto, and shall be governed in his proceedings in appropriating such land by the provisions of law in force providing for the appropriation of private property

by corporations, but no land shall be appropriated under the provisions of this chapter until the court is satisfied that suitable premises cannot be obtained by contract upon reasonable terms.

SEC. 18. The owner or owners or agent of every coal mine in this territory, whether shaft, slope, drift or tunnel, shall provide and maintain for such mine an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such coal mine, and as much more as the inspector may direct, which shall be circulated to the face of each and every working place throughout the mine; and all mines generating fire damp shall be kept free from standing gas, and in all mines where fire damp is generated, every working place shall be carefully examined every morning, with a safety lamp, by a competent person, before any of the men are allowed to enter.

SEC. 19. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this chapter or the owner or owners or agent disregard the requirements of this chapter any court of competent jurisdiction may, on application of the inspector, by civil action, in the name of the territory, enjoin or restrain the owner or owners of such mine or agent of such mine, from working or operating such mine with more than twenty persons at once, until it is made to conform to the provisions of this chapter, and such remedy shall be cumulative and shall not take the place of or affect any other proceeding against such owner or owners or agent authorized by law for the matter complained of in such actions.

SEC. 20. When written charges of gross neglect of duty or malfeasance in office shall be made against any inspector, and upon petition of twenty miners to the governor, he may be removed at any time and upon removal, the governor shall proceed to fill such vacancy.

SEC. 21. The provisions of this chapter shall not apply to or affect any coal mine in which not more than ten men are employed at the same time, but upon the application of the proprietor of, or miners in any such mine, the inspector shall make or cause to be made an inspection of such mine, and direct and enforce any regulations in accordance with the provisions of this chapter that he deems necessary for the safety of the health and lives of the miners.

SEC. 22. All acts or parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 23. This act to take effect and be in force from and after the 1st day of January, 1884, and after its approval by the governor.

AN ACT

TO AMEND SECTION 2575 OF THE CODE OF WASHINGTON, IN RELATION TO SALARY AND INCIDENTAL EXPENSES OF TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 2575 of the code of Washington

be, and the same is hereby amended and made to read as follows, to wit:

"Section 2575. The territorial auditor shall receive an annual salary of fifteen hundred dollars; and to provide for clerk hire and incidental expenses of his office, consisting of office rent, stationery, lights, fuel, postage, etc., he shall receive the further sum of one thousand dollars per annum, which several amounts shall be paid in quarterly installments, by warrants drawn on the territorial treasurer."

SEC. 2. This act to take effect, and be in force from and after its passage and approval.

Approved November 22, 1883.

AN ACT

TO AMEND SECTIONS 1391, 1468, 1486 AND 1492 OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Sections 1391, 1468, 1486, and 1492 of the code of Washington, be and the same are hereby amended to read as follows:

"Section 1391. When a petition praying for letters of administration is 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 applicant will be heard. Such notice must be given at least ten days before the hearing."

"Section 1468. Every claim presented to the administrator shall be supported by the affidavit of the claimant, or some one in his behalf, to the effect that said claim is correct, that the amount claimed is justly due, that no payments have been made thereon, that there are no offsets to said claim to the knowledge of the affiant. When not made by the claimant the affidavit must show the reason why it is made by the affiant. The oath may be taken before any officer authorized to administer oaths. The executor or administrator may also require satisfactory vouchers to be produced in support of the claim."

"Section 1486. No sale of any property shall be valid unless the same be made under order of the probate court, unless otherwise provided by will: *Provided always,* That it shall be lawful for the executor or administrator, when any or all of the property of deceased consists of perishable property or live stock, which cannot be retained by the executor or administrator without great expense or danger of loss, to sell such property or any portion thereof at private sale, if he be of the opinion that such sale will be to the best interests of the estate, without said property being appraised, or obtaining an order of the probate court: *Provided,* That such sale shall be subject to approval by said court."

“Section 1492. That in case it shall be made to appear to the satisfaction of the probate court, that it will be for the interest of the estate to allow the executor or administrator to sell all or any portion of the personal property belonging to the estate, at private sale, the court may so order. All sales of personal property whether made at public or private sale, with or without an order of the probate court, shall be returned by the executor or administrator to said court for confirmation at the next regular term of said court, after said rule shall have been made.”

Approved November 28, 1883.

AN ACT

TO AMEND SECTION 2073, OF CHAPTER 149 OF THE CODE OF WASHINGTON,
ENTITLED SMOKING AND INHALING OPIUM.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Section 2073 of chapter 149, of the code of Washington be and the same is hereby amended to read as follows, viz:

“Section. 2073. Any person or persons, who shall smoke or inhale opium or who shall visit such house, cellar, or other place for the purpose of smoking or inhaling opium, shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for the first offence, be fined in any sum not exceeding one hundred dollars, or imprisonment not to exceed one month, or both in the discretion of the court; and for any subsequent offense, such person or persons, so offending, shall be imprisoned, not to exceed three months: *Provided always,* That all opium, pipes or other apparatus used for smoking or inhaling opium, that may be taken by any officer, the judge or justice of the peace trying the cause shall as additional penalty order the same to be destroyed by the officer so taking the same, immediately after the trial.”

SEC. 2. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved November 27, 1883.

AN ACT

AMENDING CHAPTER 193 OF THE CODE, RELATIVE TO THE CONSTRUCTION AND MAINTENANCE OF DIKES AND DITCHES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Ter-*

ritory of Washington: That section 2523, of the code of Washington, be amended to read as follows:

“Section 2523. The commissioners elected as aforesaid shall have power to cause to be established, located and constructed, the said proposed improvement, and shall have full supervision over the same. They shall locate said improvement in the best possible manner for the interest of said owners of the land affected by the location of the same. They shall estimate the amount of damages; if in their opinion the construction of said improvement will damage any owner of land more than the amount of benefits accruing to him by reason of the construction of the same, which should be paid to said owner, they shall assess the land benefited by said improvement for the cost and expenses of making the same, including therein the compensation to be paid to said commissioners and other officers created by this chapter and also the damages heretofore mentioned. The said assessment shall be made upon the land improved in proportion to the taxable valuation thereof: *Provided*, That in fixing such taxable valuation, no account shall be taken of the houses or tenements thereon, but said land shall be assessed without regard to such improvement. The sum so assessed against said land, by said commissioners, shall be a lien upon the land improved to the extent of the sum assessed. The said lien may be enforced, if the sum assessed is not paid by the owner of said land, by a suit in the district court having jurisdiction in the county in which such land is situated. The said suit shall be brought in the name of said commissioners against said land and the owner, and the costs of said suit shall likewise be a lien upon said land. Before said assessment is made, the said commissioners shall notify all persons interested, that on a day, and at a place certain, they will proceed to make and levy the assessment herein provided for. At said time and place, any person interested may attend, and if he feels himself aggrieved by said assessment, he may appeal to the said district court in the same manner as an appeal is taken from an order made by the board of county commissioners. The notice of appeal may be served on the secretary of the commissioners, or upon the chairman of the board created by this chapter. The notice that the assessment will be made and levied, as in this section provided for, shall be given by posting three written notices on, or in the vicinity of the land to be improved which notices must be posted at least ten days before said assessment, and must be under the hand of the secretary of the commissioners.”

SEC. 2. That section 2527 of said chapter be amended to read as follows:

“Section 2527. The commissioners created by this chapter shall have power to make all needful rules and regulations necessary to carry out the provisions thereof. They shall have power, in case of danger from the breaking of dikes to order out all male persons, members of said association, under their charge, to attend at the place of danger for the purpose of repairing such dike, in the same manner as the supervisor of roads orders out persons to work on the road in case of emergency; and if any person so ordered out refuses or neglects to attend, he shall be subject to a penalty of five dollars for each day he so refuses or neglected

to be recovered by an action in name of said commissioners, and money so recovered shall be used in keeping said dike in repair. When ditches become obstructed they shall have like power to order out the persons aforesaid to remove said obstructions, under a like penalty, and money so recovered shall be used in keeping such ditch in repair."

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

TO AMEND CHAPTER CXIII, OF THE CODE OF WASHINGTON, ENTITLED, "TO DECLARE CERTAIN PERSONS HABITUAL DRUNKARDS, AND TO PROTECT THEM AND OTHERS IN PERSON AND PROPERTY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:*

First, That section 1673, in parentheses, of said chapter, be and the same is hereby amended to read as follows:

"Section 1673. Any person addicted to the use of intoxicating liquors may, upon complaint thereof, or upon certificate of a justice of the peace, as hereinafter provided, be adjudged a habitual drunkard."

Second. That section 1674, in parentheses, of said chapter, be, and the same is hereby amended to read as follows:

"Section 1674. Either the father, husband, mother, wife, son or daughter of any person addicted to the excessive use of intoxicating liquors, or any person in the interest of the relative aggrieved, or of the general public, may make complaint to the probate judge of the county wherein such person, so addicted, resides, that the person complained of is a habitual drunkard, and that in consequence thereof, such person is squandering his earnings or property, or that he neglects his business, or that he abuses or maltreats his family, which complaint must be verified by the oath of the complainant, to the effect that the same is true. And every justice of the peace in whose court any person shall have been convicted twice on a charge of being drunk, or drunk and disorderly, shall certify to the probate judge, of the county in which he resides, that said person has thus twice been convicted."

Third, That section 1672, of said chapter, be and the same is hereby amended to read as follows:

"Section 1672. Upon filing of the complaint, duly verified, the probate judge shall cause a copy thereof to be served upon the accused forthwith and shall summon him to appear and answer, giving at least ten days' notice; and if, upon the hearing of the evidence, the allegations of the complaint are sustained, or upon filing a certificate of a justice of

the peace, as above provided, such judge shall, in open court, declare the accused to be a habitual drunkard, and shall cause the proceeding to be entered in full upon the records of the court."

Fourth, That section 1673, of said chapter, be, and the same is hereby amended to read as follows:

"Section 1673. The same fees shall be allowed to the probate judge, justice of the peace, and the sheriff, or constable, in all proceedings under the foregoing section of this act, as are allowed by law for like processes and services, and like fees for witnesses as in civil cases before justice of the peace; and if the complaint is not sustained, the person making the complaint shall pay the costs; and in case the complaint is sustained, the person accused shall pay the costs."

Fifth, That Section 1676, in brackets, of said chapter, be, and the same is hereby amended to read as follows:

"Section 1676. It shall be the duty of the probate judge of each county to furnish a copy of this act, as amended, together with the names of all persons adjudged habitual drunkards, to all parties licensed to sell, by retail, intoxicating liquors in such county. He shall also furnish the names of all persons, adjudged habitual drunkards, to each probate judge in this territory, who shall immediately furnish said names, together with a copy of this act, as amended, to all parties licensed to sell, by retail, intoxicating liquors in his county, and such retail dealer shall keep posted up, in his place of business, a copy of said law, and a list of such habitual drunkards. A person failing to keep such law and list so posted shall forfeit his license, and if he thereafter sells intoxicating liquors he shall be punished as if selling without a license."

SEC. 6. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

SEC. 7. This act to take effect and be in force from and after its approval by the governor.

Approved Nov. 23, 1883.

AN ACT

TO AMEND SECTION 2080, OF CHAPTER CLII OF THE CODE OF WASHINGTON TERRITORY, RELATING TO GRAND AND PETIT JURORS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section two thousand and eighty of chapter CLII, of the code of Washington Territory, be and the same is hereby amended so as to read as follows:

"Section 2080. Every board of county commissioners, on or before the first Monday of May in each year, shall cause to be prepared, and thereafter shall keep in the office of the county auditor, two jury lists, one of which shall contain the names of all persons qualified to serve in

their county as petit jurors, and the other the names of all persons qualified to serve as grand jurors. As soon as said lists are prepared and said commissioners are met, they shall select therefrom the names of forty-eight persons qualified to serve as petit jurors, and the names of forty-eight other persons qualified to serve as grand jurors and shall certify the same in separate lists to the clerk of the district court of the judicial district in which the county may be."

SEC. 2. All acts conflicting in any manner with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its approval.

Approved November 27, 1883.

AN ACT

TO AMEND SECTION 2736, OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 2736 of the code of Washington, be amended to read as follows:

"Section 2736. The county auditor in his capacity of recorder of deeds is sole custodian of all books in which are recorded deeds, mortgages, judgments, liens, incumbrances and other instruments of writing; indexes thereto, maps, charts, town plats, survey and other books and papers constituting the files and records in said office of recorder of deeds. And all such records and files are matters of public information free of charge to the party demanding to inspect the same. It is said recorder's duty, to arrange in suitable places, the indexes of said books of record, and when practicable the record books themselves, to the end that the same may be accessible and convenient, for said public inspection, and not interfere with the auditor's personal control and responsibility for the same, and his prompt affording the information demanded. He shall, upon demand and without charge, permit any person during reasonable office hours, to inspect all, or any of such records or files, but said auditor or recorder shall not permit during such office hours, to any person, the exclusive use or appropriation of said indexes or books, or any or either of them for the purpose of making a duplicate copy thereof, or of tabulating the contents of the same into a county abstract. This shall not however, be construed as authorizing the said auditor or recorder to prohibit the fullest examination, and searching the records of his said office, as to the title of property about to be conveyed, or where negotiations are pending in regard thereto, and the preparation by any person or his attorney or agent of an abstract of the title of such property.

SEC. 2. This act to take effect from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

TO AMEND SECTION 2106 AND 2107 OF THE CODE OF WASHINGTON.
COSTS IN CERTAIN CASES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That sections 2106 and 2107 of the code of Washington, be, and the same are hereby amended to read as follows:

"Section 2106. In all convictions for felony, whether capital or punishable by imprisonment in the penitentiary, the clerk of the district court shall forthwith, after sentence, tax the costs in the case. The cost bill shall be made out in triplicate, and be examined by the prosecuting attorney of the district embracing the county in which the trial was had. After which the judge of the district court shall allow and approve such bill or so much thereof, as is allowable by law. The clerk of the district court shall thereupon, under his hand, and under the seal of the court, certify said triplicate cost bills, and shall file one with the papers of the cause, and shall transmit one to the territorial auditor and one to the county auditor of the county in which said felony was committed."

"Section 2107. Upon the receipt of the cost bill, as provided for in the preceding section, the county auditor shall draw warrants for the amounts due each person, as certified in said cost bill, which warrants shall be paid as other county warrants are paid. On receipt of the certified copy of said cost bill, the territorial auditor shall examine and audit said bill and allow the same or so much thereof as may be allowable against the territory, and shall credit the amount so allowed to the county from whence the bill came as so much territorial tax paid. The territorial auditor shall immediately notify the territorial treasurer and county auditor, each of whom shall credit and charge accordingly."

Sec. 2. This act to take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

TO AMEND SECTION 2474 OF CHAPTER 188 OF THE CODE OF WASHINGTON,
RELATING TO CONDEMNING AND APPROPRIATING LAND BY PRIVATE CORPORATIONS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 2474 of the code of Washington, shall be amended to read as follows:

"Section 2474. Upon the payment to such justice, for the use of the owners of such lands, or to the owners of such lands, of the damages

assessed, by said house holders or a majority thereof; said corporation shall have the right to appropriate the land in question to its own use for corporate purposes, subject to the action of the district court in regard to damages as hereinafter provided: *Provided*, That nothing herein contained, shall be construed to prevent such corporation from going upon such lands for the purpose of preliminary surveys and explorations and laying out the road or work: *Provided further*, That in the condemnation and appropriation of school lands for right of way and railroad purposes, the summons shall be served on the auditor of the county in which the lands to be condemned and appropriated are located; and that the damages arising from such condemnation and appropriation, shall be paid into the common school fund of said county.”

Approved November 28, 1883.

AN ACT

TO AMEND SECTION 347 OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* “That section 347 of the code of Washington 1881, be amended to read as follows: To a teamster or drayman engaged in that business for the support of himself or his family, his team, consisting of one span of horses, mules or oxen, or a horse and mule, with harness, one wagon, truck, cart or dray.”

SEC. 2. This act to take effect and be in force from and after its approval.

Approved November 23, 1883.

AN ACT

TO AMEND SECTION 1184 OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 1184 of the code of Washington be, and the same is hereby amended so as to read as follows, viz:

“Section 1184. It shall be unlawful for the proprietors of any sawmill, situated on any of the rivers, creeks or streams in said Territory of Washington, or any employe therein, to cast the sawdust made by such sawmill, or suffer or permit such sawdust to be thrown or discharged in *any* manner, into said rivers, creeks or streams, within the Territory of Washington. For each and every willful violation of this section, the party guilty of such violation, shall be liable to a fine of fifty dollars, to be recovered before a justice of the peace, of the proper county.”

SEC. 2. All acts or parts of acts in conflict with the provisions of act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the Governor.

Approved November 23, 1883.

AN ACT

TO AMEND CHAPTER CX, OF THE CODE, RELATING TO IDIOTS AND INSANE, AND SECTION 2267, OF CHAPTER CLXVI, ENTITLED, HOSPITAL FOR THE INSANE.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory:* That section 1632, of the code of Washington, be, and the same is hereby, amended to read as follows, viz:

“Section 1632. The probate court of any county in this territory, or the judge thereof, upon application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, or is suffering under mental derangement, shall cause such person to be brought before said court, or judge, at such time and place as the court, or judge, may direct, and shall cause to appear at said time and place, one or more respectable physicians, who shall state under oath, in writing, their opinion of the case, which opinion shall be carefully preserved and filed with other papers in the case, and if the said physician or physicians shall certify to the insanity or idiocy of said person, and it appear to the satisfaction of the court, or judge, that such is the fact, said court, or judge, shall cause such insane or idiotic person to be taken to and placed in the hospital for the insane of Washington Territory: *Provided,* That such person, or any person in his behalf, may demand a jury to decide upon the question of his insanity, and the court, or judge, shall discharge such person if the verdict of the jury is that he is not insane: *Provided also,* That when the relations or friends desire to take charge of such insane or idiotic person, the court, or judge, may so order, if they shall give bonds to be approved by said judge, conditioned that such insane or idiotic person shall be well and securely kept.”

SEC. 2. That section 1636, of said chapter CX, be, and the same is hereby amended to read as follows, viz:

“Section 1636. When any person shall be found to be insane, or coming within the provisions of this act, the cost of the proceedings shall be paid by the county: *Provided,* That when such insane person is a resident of another county, the county wherein such proceedings were had shall recover from the county of which such insane person is a resident, all costs and expenses so paid, as aforesaid.”

SEC. 3. That sections 1633, 1634, 1654 and 1655, of said chapter CX be, and the same are hereby, repealed.

SEC. 4. That section 1653, of said chapter CX, be, and the same is hereby amended so as to read as follows, viz:

“Section 1653. All the expenses of taking care of such insane person, whilst in the hospital for the insane, shall be paid out of the territorial treasury.”

SEC. 5. That section 2267, of chapter CLXVI, be, and the same is hereby amended so as to read as follows, viz:

“Section 2267. It shall be the duty of the superintendent to ascertain, by diligent inquiry and correspondence, the history of each and every patient admitted to the hospital.”

SEC. 6. This act to take effect and be in force from and after its passage.

Approved Nov. 24, 1883.

AN ACT

TO AMEND SECTION 1125 AND 1129 OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 1125 of the code of Washington, be amended to read as follows: “If any person ordered into custody until the fine and costs adjudged against him be paid, shall not, before the final adjournment of the court, pay or cause the payment of the same to be secured, the clerk of the court shall issue a warrant to the sheriff, commanding him to imprison such defendant in the county jail, until such fine and costs are paid, or secured, until he has been imprisoned in such jail one day, for every two dollars of such fine or costs, but execution may at any time issue against the property of the defendant as in other cases.”

Section 1129 be amended to read as follows: “When a defendant is committed to jail, on failure to pay any fines and costs, he shall, under the order of the county commissioners, work out the amount of the fine and costs, at the rate of two dollars per day, and in case he shall so work out the fine and costs, or in case he shall not be able to work, or the county commissioners fail to provide work, and he shall have been confined in the county jail one day for every two dollars of such fine and costs, no execution shall issue therefor, when any defendant is in the custody of the sheriff by virtue of a sentence of imprisonment in the county jail, and if there be no county jail in the county, he shall under the order of the county commissioners, cause such person to work his unexpired term of imprisonment in such manner as said county commissioners may direct.”

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the Governor.

Approved November 28, 1883.

GENERAL LAWS.

AN ACT

TO AMEND SECTION 2752 OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 2752 of the code of Washington be amended, by striking out the words Klickitat, Chehalis and Whatcom: *Provided,* That nothing herein shall be construed to prevent the qualified electors of said counties from electing one person to the offices of sheriff and assessor.

SEC. 2. All acts or parts of acts, in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force, from and after its passage and approval by the governor.

Approved October 26, 1883.

AN ACT

TO AMEND SECTION 2122 OF THE CODE OF WASHINGTON 1881.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Section 2122 of the code of Washington, 1881 be, and the same is hereby amended by striking out of said section 2122, the word Kalama, where it occurs in said section, and inserting in lieu thereof the word Vancouver.

SEC. 2. That all acts or parts of acts in conflict with the provisions of this act be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its approval.

Approved November 25, 1883.

AN ACT

TO AMEND SECTION 3050, CHAPTER 238 OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Section 3050, chapter 238 of the code of Washington, be, and is hereby amended to read as follows, to wit:

“All American citizens, above the age of twenty-one years, and all American half-breeds over that age, who have adopted the habits of the whites, and all other inhabitants of this territory, above that age,

who shall have declared on oath their intentions to become citizens, at least six months previous to the day of election, and shall have taken an oath to support the constitution of the United States, and the organic act of this territory, at least six months previous to the day of election, and who shall have resided six months in the territory, and thirty days in the county, next preceding the day of election, and none other, shall be entitled to hold office, or vote at any election in this territory: *Provided*, That no officer, soldier, seaman or marine, in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this territory, by reason of being in service therein, unless said territory is, and has been for the period of six months, his permanent domicile: *Provided*, He was a citizen of this territory at the time of his enlistment; *And, provided further*, That no person belonging to the army or navy of the United States shall be elected to, or hold any civil office, or appointment in this territory: *Providing*, That this provision shall not apply to officers of the army or navy on the retired list."

SEC. 2. Wherever the word "his" occurs in the chapter aforesaid, it shall be construed to mean "his or her," as the case may be.

SEC. 3. This act to take effect and be in force from and after its approval by the governor.

Approved November 23, 1883.

AN ACT

ENTITLED AN ACT TO AMEND SECTIONS 2988, 2989, 2990 and 2991 OF CHAPTER 229 RELATING TO ROADS.

Be it enacted by the Legislative Assembly of the Territory of Washington: That sections 2988, 2989, 2990, 2991, 3001 of chapter 229 of the road laws be amended so as to read as follows:

"Section 2988. The supervisor of each road district in this territory, shall, at least ten days before the first Monday in January (except when the first Monday comes on the first day of the month, when the following Tuesday shall be used in lieu thereof) of each year, cause three notices to be posted up in three conspicuous places in his road district, giving notice that there will be an election held in such district, on the first Monday in January at two o'clock in the afternoon, at some convenient place in said district, to be specified in said notice, for the purpose of electing a road supervisor for the next succeeding year, at which election the old supervisor shall act as chairman if present, if not present, a chairman shall be elected from the voters present. The meeting shall also elect a secretary who shall record the proceedings of meeting, and all male persons in the districts, who are required to labor on the roads, or who have road taxes to pay, may vote at such election, and the person receiving the highest number of votes, shall be considered elected supervisor for that year, who shall within ten days and before entering upon the duties of said office, take an oath to faithfully

discharge the duties of his office, and if required by the county commissioners, shall enter into bond to the county, with one or more sureties in any sum not exceeding one thousand dollars, to be approved by the county commissioners to the effect that he will faithfully account for all moneys coming into his hands, by virtue of his office: *Provided, however,* if from any cause there is no election on the first Monday in January, (excepting when said election comes on the first day of the month as provided for in this section,) the supervisor or any qualified elector, who is a tax-payer of the district, may call a special election by giving notice as provided in this section which election shall be held on the third Monday of the same month. It shall be the duty of the chairman and secretary of said meeting to notify the county auditor in writing before the next regular meeting of the board of county commissioners that the district has elected a supervisor and give his name in full; but in case any district shall fail to notify the county auditor in writing that they have elected a supervisor, it shall be the duty of the county auditor to report what districts have failed to elect, to the county commissioners at their regular February meeting and they shall appoint supervisors to fill all vacancies in such road districts."

"Section 2989. The county auditor shall furnish the several supervisors in his county with their respective road lists, on or before the second Monday of February of each year; said list shall be properly ruled with the spaces for names and amount, and containing directions to supervisors when to return the same."

"Section 2990. It shall be the duty of every supervisor of roads to obtain the names and make out in alphabetical order a list of all persons liable to perform labor on the public roads within his road district, and file the same with the county auditor, on or before the first Monday in March of each year, whose duty it shall be to affix to each name the amount of taxable property owned by each person residing or owning property therein, which list shall be returned to the road supervisors in the second assessment districts on or before the first day of June of each year, and in the first assessment district on or before the first day of April."

"Section 2991. The road supervisor shall proceed to collect the road taxes in their respective districts, in the manner hereafter provided, and it shall be the duty of each supervisor of roads in the several counties in the territory, to return their road lists to the county auditors of their respective counties, on or before the 31st day of December in each year, properly certified to, showing the amounts paid thereon, by whom paid and whether the amounts so paid were paid in work or money. They shall, also, at the same time, return to the auditor a delinquent list, showing the names of all persons who have failed to pay their road taxes for the current year, together with the amount due from each. The county auditor shall add a penalty of twenty-five per centum to all road taxes, so returned delinquent, and shall place the names of the persons so delinquent, together with the amount due from each, on the regular delinquent tax list and charge the amount of such delinquent road taxes to the sheriff, who shall collect the same in the manner and at the same time he collects other delinquent taxes. All moneys so collected

shall be paid into the county treasury, of the proper county, and the respective county treasurers shall turn the same over to the supervisor of the road district to which each tax belongs, to be expended in that road district."

Approved Nov. 28, 1883.

AN ACT

TO AMEND SECTION 507, OF THE CODE OF WASHINGTON, 1881.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 507 of the code of Washington be, and the same is hereby amended to read as follows:

"Section 507. The plaintiff shall not be entitled to costs in actions within the jurisdiction of a justice of the peace, which shall be commenced in the district court, when the amount claimed shall be less than one hundred dollars."

SEC. 2. This act to take effect and be in force from and after its approval.

Approved November 27, 1883.

AN ACT

TO AMEND CHAPTER TWELVE, SECTION ONE HUNDRED AND SEVENTY-SIX OF THE CODE OF WASHINGTON.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That section one hundred and seventy-six of the code of Washington, chapter twelve, be amended to read:

"Section 176. Before the writ of attachment shall issue, the plaintiff, or some one in his behalf, shall execute and file with the clerk a bond or undertaking, with two or more sureties, in a sum not less than two hundred dollars and equal to the amount for which plaintiff demands judgment, conditioned that the plaintiff will pay all costs that may be adjudged to the defendant and all damages which he may sustain by reason of the attachment, not exceeding the amount specified in such bond or undertaking, should the same be wrongfully, oppressively or maliciously sued out, and in an action on said bond exemplary, as well as actual damages may be recovered, including therein reasonable attorney fees and damages caused by depreciation of property and injury to business and commercial credit. With said bond or undertaking, there shall also be filed the affidavit of the sureties, from which it must appear that such sureties are qualified and that taken together

they are worth the sum specified in the bond or undertaking over and above all debts and liabilities and property exempt from execution. No person, not qualified to become bail upon arrest, is qualified to become surety upon a bond or undertaking for an attachment."

SEC. 2. This act shall take effect and be in force thirty days after its approval by the governor: *Provided, however,* That it shall not have the effect of dissolving any attachment issued under the section intended to be repealed.

Approved November 28, 1883.

AN ACT

TO AMEND SECTION 2382 OF THE CODE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 2382 of the code of Washington be amended to read as follows: "Marriage may be solemnized according to the ritual or ceremonies of any religious denomination, or by any minister or priest of any church or religious denomination in this territory, and by any justice or judge of the district or probate court, any where within the territory, and by any justice of the peace within their respective counties."

SEC. 2. All acts or parts of acts in conflict with this section are hereby repealed.

SEC. 3. This act to be in full force and effect from and after its approval by the governor.

Approved November 26, 1883.

AN ACT

TO AMEND CHAPTER CCIV OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That chapter CCIV of the code of Washington, be amended by striking out subdivision one, of section 2616, and inserting, in lieu thereof, the following:

1. "Pay to the secretary of the territory the sum of five dollars: *Provided,* That from the proceeds of the sum hereby set apart as compensation to the secretary of the territory, the said secretary shall furnish all necessary stationery, blank appointments, and commissions in reference to the appointment of notaries public."

SEC. 2. That chapter CCIV of the code of Washington be further amended by striking out section 2625.

SEC. 3. This act shall take effect from and after its approval.
Approved November 26, 1883.

AN ACT

TO CORRECT ERRORS AND SUPPLY OMISSIONS IN THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory:* That for the purpose of correcting errors and supplying omissions in the code so as to make the same truly express such laws, the following amendments are hereby made therein:

First, section fifty-nine is amended to read as follows:

“Section 59. Civil actions in the several district courts in this territory shall be commenced by the filing of a complaint with the clerk of the court in which the action is brought, and the issuing of a summons thereon, together with a copy of the complaint, duly certified by said clerk under the seal of the court: *Provided,* That after the filing of the complaint, a defendant in the action may appear, answer or demur, whether the summons has been issued or not, and such appearance, answer or demurrer shall be deemed a waiver of the summons.”

Second, chapter XI is amended by inserting between sections 154 and 155, the following:

“Section 154½. An injunction may be granted to restrain the malicious erection, by any owner or lessee of land, of any structure intended to spite, injure or annoy an adjoining proprietor. And where any owner or lessee of land has maliciously erected such a structure with such intent, a mandatory injunction will lie to compel its abatement and removal.”

Third, section 1460 is amended by adding to said section the words following: “Said homestead to be selected out of the community property, but if there be no community property, such homestead may be selected by the widow or minor child or children out of the husband’s or father’s separate estate, or by the husband or minor child or children out of the widow’s or mother’s separate estate, if the husband and father has no separate estate: *Provided,* That but one homestead shall be selected or held by either husband or wife or children and it must embrace the dwelling house in which the family reside.”

Fourth, section 1710 is amended by striking out the words “one hundred dollars” wherever they occur in the several subdivisions of said section, and inserting the words “three hundred dollars,” and adding after subdivision XI the following:

“12. All actions, where the amount in controversy exceeds one hundred dollars, may be brought in the district court. Section 1886 be amended by striking out the words “one hundred dollars” wherever they occur in said section and inserting “three hundred dollars.”

Fifth, section 1976 is amended by striking out the word "lessees" in said section and inserting in lieu thereof the word "lessors."

Sixth, section 2077 is amended by striking out the words: "*Provided*, That this section shall not include the counties of Clarke, Cowlitz and Pierce."

Seventh, section 2119 is amended to read as follows:

"Section 2119. Such courts shall be held:

At La Conner on the second Tuesday in February and second Tuesday in August, and hold until the business of the term is transacted, unless sooner adjourned by the court.

At Port Townsend, the fourth Monday in February, and the fourth Monday in August, and hold until the business of the term is transacted, unless sooner adjourned by the court.

At Snohomish City, in Snohomish county, on the second Monday in March, and the second Monday in September, and hold until the business of the term is transacted, unless sooner adjourned by the court.

At Seattle, on the first Monday in April, and the first Monday in October, and hold until the business of the term is transacted, unless sooner adjourned by the court.

At New Tacoma, on the fourth Monday in May, and the fourth Monday in November, and hold until the business of the term is transacted, unless sooner adjourned by the court.

Eighth, section 2448 is amended, by striking out in the last line of said section "182 and 183," and inserting in lieu thereof "187" and by adding to said section the following:

"*Provided*, That nothing therein contained, shall be so construed, as to authorize the appropriation of water belonging to any person, unless the owner thereof shall refuse to supply said town or city with water after being requested so to do by the town board or city council."

Ninth, "Section 2721. The auditor and treasurer of each county must, on the second day of the regular May and November terms, make a joint statement to the board of commissioners, showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the county treasury; the funds among which the same was distributed and the amount to each, the total amount of warrants drawn and paid; the total amount of warrants drawn and unpaid, and accounts or claims audited or allowed and unpaid, and, generally, make a full and specific showing of the financial condition of the county."

Tenth, "Section 2880. The board of county commissioners of each county in the first assessment district must, at its August session in each year, estimate and determine the amount of money to be raised in its county for territorial (county) school and ward purposes respectively for the year, and such determination must be entered at large in its records."

"Section 2881. The board of county commissioners in each county in the first assessment district, shall annually, at its August term, levy the following taxes on the assessed value of the taxable property in the county."

- (1.) For territorial revenue, two and one-half mills.
- (2.) For ordinary county revenue, not to exceed eight (8) mills.
- (3.) For support of schools, not to exceed six mills.
- (4.) For roads, not to exceed five mills.

For roads and bridges, the county commissioners may levy not to exceed two mills, to be collected in cash: *Provided*, That in the county of Lewis, said tax shall be applied to the building and repairing of bridges only.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved Nov. 28, 1883.

AN ACT

CREATING AND CONFERRING JURISDICTION UPON THE DISTRICT COURT OF THE THE COUNTY OF KITTITAS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a court be, and the same is hereby created and established within and for the county of Kittitas, to be called the district court of Kittitas county.

SEC. 2. That the district court shall have exclusive jurisdiction within said county of all matters and causes, except those in which the United States is a party, in the same manner and to the same extent, as is now had and exercised by the district court of the second judicial district, holding terms at Yakima City, for the county of Yakima, with the same right of appeal, certiorari and writs of error to the supreme court, as is now provided and allowed by law.

SEC. 3. Said court shall be held by the judge of the second judicial district at Ellensburg, the county seat of Kittitas county.

SEC. 4. The said judge of the second judicial district shall appoint a clerk of said district court of Kittitas county, who shall give bonds and security in such amount as shall be ordered by the court or judge thereof, and shall keep his office and the records thereof, at said county seat of Kittitas county.

SEC. 5. The district court of Kittitas county, shall be a court of record, and the expenses of holding the same shall be paid by the said county of Kittitas. And the said county of Kittitas shall also pay the actual traveling expenses incurred by the judge of the second judicial district, in coming from and to his place of residence, from the place of holding said court in Kittitas county, and said judge shall make a certified statement of the expenses so necessarily incurred, to the county auditor of Kittitas county, who shall draw a warrant upon the treasury of said county for the amount so certified to by said judge.

SEC. 6. The regular term of said district court of Kittitas county shall be held at Ellensburg, on the third Monday in October, in each

and every year, and each term shall be held for one week, unless sooner adjourned.

SEC. 7. The board of county commissioners of said county of Kittitas, shall at their regular term, preceding the holding of said district court, in each and every year, select from the statement of persons qualified a sufficient number of persons to serve as grand and petit jurors, at the term of said court to be held, next after said meeting of board of county commissioners, and the auditor of said county shall furnish a list of the grand and petit jurors so selected, to the clerk of the district court of said Kittitas county: *Provided*, That, when for any cause, there shall not be in attendance a sufficient number of qualified and competent grand and petit jurors, or the regular jurors shall not have been summoned, or shall have been discharged, it shall be competent for the court to order a sufficient number of grand and petit jurors to be summoned from the persons present or from the people of the county.

SEC. 8. The number summoned as grand jurors shall not exceed twelve, and the number of petit jurors shall not exceed twenty-four persons; and the provisions of law now in force for the manner of selecting and procuring the attendance of jurors at terms of the several district courts of this territory, consistent with the foregoing, and not modified thereby, shall fully apply to the court of Kittitas county.

SEC. 9. At least thirty days before the commencement of the term of the said court, the clerk thereof shall issue one venire embracing the names of the grand and petit jurors, specifying which are grand and which are petit jurors, commanding the sheriff of said county to summon the persons so named, to attend at the first day of the term of said court.

SEC. 10. The various laws now in force, and which may hereafter be enacted, regulating the practice and proceedings in civil actions and criminal prosecutions, in territorial causes, shall govern the practice and proceedings in said district court of Kittitas county.

SEC. 11. All acts and parts of acts, in conflict with this act are hereby repealed.

SEC. 12. This act to take effect and be in force from and after its passage and approval.

Approved Nov. 26, 1883.

AN ACT

TO CREATE A DISTRICT COURT FOR THE COUNTY OF GARFIELD, AND DEFINING THE JURISDICTION THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a court be and the same is hereby created and established within the county of Garfield, to be called and known as the district court of Garfield county.

SEC. 2. That the said district court shall have jurisdiction within said county of all matters, actions and causes, except those in which the United States shall be a party, in the same manner, and to the same extent as other district courts in the first judicial district have, and all proceedings therein shall be governed by and subject to the same laws, rules and regulations, in all respects, as other district courts in said district are.

SEC. 3. That the said district court shall be held by the judge of the first judicial district, and said judge shall appoint a clerk of said court, who shall, before entering upon the duties of such office, take and subscribe an oath, to faithfully discharge the same, and shall give a bond or other security in such sum and manner, as the judge of said court may direct, and shall keep his office at the county seat of said county.

SEC. 4. The regular terms of said court, shall be held at the county seat of said county, on the third Monday of August, and the third Monday of February in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 5. This act shall take effect and be in force from and after the date of its approval.

Approved November 28, 1883.

AN ACT

TO CREATE A DISTRICT COURT FOR THE COUNTY OF CHEHALIS AND DEFINING THE JURISDICTION THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a court be, and the same is hereby created and established within the county of Chehalis, to be called and known as the district court of Chehalis county.

SEC. 2. That the said district court shall have jurisdiction within said county of all matters, actions and causes, except those in which the United States shall be a party, in the same manner, and to the same extent as other district courts in the second judicial district have, and all proceedings therein shall be governed and subject to the same laws, rules and regulations, in all respects, as other district courts in said district are.

SEC. 3. That the said district court shall be held by the judge of the second judicial district, and said judge shall appoint a clerk of said court, who shall, before entering upon the duties of said office, take and subscribe an oath to faithfully discharge the same, and shall give a bond, or other security, in such sum as the judge of said court may direct, and shall keep his office at the county seat of said county.

SEC. 4. The regular term of said court shall be held at Montesano, the county seat of the said county, commencing on the 1st Monday in

September in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 5. This act shall take effect and be in force from and after its approval.

Approved November 23, 1883.

AN ACT

TO PROVIDE FOR THE DISTRIBUTION OF THE CODE, SESSION LAWS AND JOURNALS.

SECTION 1. *Be it enacted by the Legislative assembly of the Territory of Washington:* That the printed laws of the present session of the legislative assembly shall be distributed as follows: Two copies of each to the library of the United States congress, and supreme court; one copy to the court of claims; one copy to the library of each of the several departments at Washington, and one copy to each of the states and territories for the use of the public library of such state or territory.

SEC. 2. A sufficient number of the laws to each county auditor, to supply one copy to each auditor and one copy to each county commissioner, probate judge, sheriff, treasurer, assessor, superintendent of schools, coroner, district attorney, and to each justice of the peace, within their respective counties, as public property, for the use of their respective offices, to be delivered to their successors in office; also one copy of the laws to the governor of the territory, to each of the justices of the supreme court of the territory, to the territorial auditor, treasurer, the surveyor general, registers and receivers of the land offices, to the United States district attorney and one deputy, the clerks of the supreme and district courts, to the Indian agents, collectors of customs, United States marshal, superintendent of public instruction, to the members of the present legislative assembly, and to the chief clerks thereof, and one copy to the inspector of logs: *Provided,* That one hundred copies of the code of 1881 and the laws of the present session be bound together, in full leather binding, and distributed one copy each to the members of the present legislative assembly, and the two chief clerks, and one copy each to the territorial and federal officers, mentioned in section 2 of this act, and lumber inspector.

SEC. 3. The secretary shall furnish one copy each of the house and council journal to each member of the present legislative assembly; two copies to the auditor of each of the counties, to be placed in his office as public property.

SEC. 4. The remaining copies of the session laws shall be turned over to the territorial auditor, who shall sell the same to the citizens of the territory, at one dollar per copy. The funds received for the sale of said laws shall be turned into the territorial treasury.

SEC. 5. It shall be the duty of the secretary of the territory to carry into effect the provisions of the foregoing sections, and any necessary expenses incurred by him shall be allowed and paid out of the

territorial treasury, upon presentation of properly certified vouchers, to the auditor of the territory, who shall draw his warrant upon the territorial treasurer, who shall pay the same out of any funds, not otherwise appropriated.

SEC. 6. One copy of the session laws to each of the officers of the present legislative assembly.

SEC. 7. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved Nov. 28, 1883.

AN ACT

TO CREATE A DISTRICT COURT FOR THE COUNTY OF WHATCOM AND DEFINING THE JURISDICTION THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory:* That a court be, and the same is hereby created and established within the county of Whatcom, to be called and known as the district court for the county of Whatcom.

SEC. 2. That said district court shall have jurisdiction within said county of all matter, actions and causes, except those in which the United States shall be a party, in the same manner and to the same extent as other district courts in the third judicial district have; and all proceedings therein shall be governed by and subject to the same laws, rules and regulations, in all respects, as other district courts in said district are.

SEC. 3. That said district court shall be held by the judge of the third judicial district, and said judge shall appoint a clerk of said court, who shall, before entering upon the duties of such office, take and subscribe an oath to faithfully discharge the same and shall give a bond or other security in such sum and form as the judge of said court shall direct, and shall file or deposit such oath and bond, or other security, in such place and manner as the judge of said court may direct, and shall keep his office at the county seat of said county.

SEC. 4. The regular terms of said court shall be held at Whatcom, the county seat of said county, on the second Tuesday in January and June in each year, and shall hold until the business of the term is transacted, unless sooner adjourned by the court.

SEC. 5. This act shall not be held to be repealed, by implication, because of any act passed at the present session of the legislative assembly, and shall take effect and be in force from and after the date of its approval.

Approved November 28, 1883.

AN ACT

TO APPROPRIATE MONEY TO DEFRAY EXPENSES FOR THE HOSPITAL FOR THE
INSANE.

*Be it enacted by the Legislative Assembly of the Territory of
Washington:*

SECTION 1. That section 2266, of the code of Washington Territory beginning after the figures "\$2200" near the middle of the 5th line, be amended to read as follows:

"One accountant, twelve hundred dollars (\$1200) per annum. One head warden, six hundred dollars (\$600) per annum. One assistant warden, on receiving ward, six hundred dollars (\$600) per annum. Four assistant wardens, each five hundred and twenty-five dollars (\$525) per annum. One outside warden, five hundred dollars (\$500) per annum. One teamster, four hundred dollars (\$400) per annum. One matron, five hundred and twenty-five dollars (\$525) per annum. Two assistant matrons, each, four hundred dollars (\$400) per annum. One cook, nine hundred dollars (\$900) per annum. One baker, who shall also assist the cook, six hundred dollars (\$600) per annum."

SEC. 2. All officers and employes may be furnished subsistence, quarters, lights and fuel for one, with quarters for a family, in excess of salary.

SEC. 3. And, be it further enacted, That section 2272, of the code of Washington Territory be amended to read as follows: "Thirty-two thousand five hundred dollars (\$32,500), or so much thereof as may be necessary, are hereby appropriated for each fiscal year, to defray the expenses of said institution.

SEC. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage and approval by the governor.

Approved Nov. 28, 1883.

AN ACT

TO SECURE TO THE OWNERS OF LIVE STOCK PAYMENT OF THE FULL VALUE OF
ALL ANIMALS KILLED OR MAIMED BY RAILROAD TRAINS.

*Be it enacted by the Legislative Assembly of Washington Ter-
ritory:*

SECTION 1. That all railroad companies owning, or operating lines of railway within the territory of Washington, shall be liable to the own-

ers of all live stock, for the full value of all such live stock killed or maimed by their passing trains.

SEC. 2. The value of all animals killed or maimed by railroad companies shall be ascertained and fixed by appraisalment as follows, to wit: The owners of the stock, so killed or maimed, shall be entitled to the appointment of one appraiser, and the railroad company to the appointment of one appraiser, and if the two, so appointed, shall not agree, they shall select the third appraiser, and the three appraisers shall fix the value: *Provided*, That in ascertaining and fixing the value of such stock, the appraisers, herein provided for, shall consider the real market value of such stock, whether for breeding or other purposes.

SEC. 3. Whenever any live stock is killed or maimed by the passing locomotive, or train of any railroad company, it shall be the duty of the owner of such stock, to report the same to the company and ask the appointment of an appraiser, which appraiser shall be appointed and required to act in making such appraisalment, within ten days after such notice is given; and if said company fail or refuse to appoint said appraiser, or said appraiser shall fail from any cause to act within ten days from said notice, then the owner of such stock shall appoint an appraiser on his own behalf and shall report the same to the county auditor, who shall, thereupon, act as such second appraiser, and in case the two cannot agree as to the value of the animal, or animals killed or maimed, then they shall appoint a third appraiser and the value assessed by a majority shall be the value of said animal, or animals, or value of damage done thereto.

SEC. 4. The notice required in the preceding section shall be given upon the superintendent of such company, for the particular division in which the killing occurred, or to a local business manager, or agent thereof. Such notice shall be in writing and shall contain the date, as near as can be, and the place at, or near which said stock was killed or maimed, together with the number and kind of the same.

SEC. 5. As soon as the value of such animals, or the amount of damage done thereto, shall be ascertained, as hereinbefore provided, the amount of such assessment shall thereupon become due and payable, with interest from date of said assessment, at the rate of one per cent per month, and said amount, together with interest and costs, including attorney's fees, now allowed as costs in the district court, may be recovered by suit, in any court having jurisdiction thereof.

SEC. 6. The appraisers, provided for in this act, shall be entitled for their services, to the sum of two dollars per day, and mileage at the rate of ten cents per mile, which said costs shall be borne equally by both parties.

SEC. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 8. No railroad company shall be liable for stock killed upon their roads, when the same is fenced by such company, with a good lawful fence.

SEC. 9. This act shall take effect and be in force from and after its approval.

Approved Nov. 28, 1883.

AN ACT

IN RELATION TO CERTAIN CAUSES IN THE DISTRICT COURT HOLDING TERMS
AT OLYMPIA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all causes now pending in the district court, holding terms at Olympia, from Chehalis county, shall be, and remain for trial, judgment and execution, in the district court holding terms at Olympia.

SEC. 2. This act to take effect and be in force from and after its passage and approval.

Approved November 23, 1883.

AN ACT

IN RELATION TO TIME OF HOLDING DISTRICT COURT AT PORT TOWNSEND, W. T.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a regular term of the district court for the counties of Clallam, Island, Jefferson and San Juan, be held at Port Townsend, in Jefferson county, W. T., beginning on the 10th day of Nov., 1883, to continue until the business therein is disposed of, or until the same is adjourned by the judge thereof.

SEC. 2. This act to take effect and be in force from and after its approval.

Approved November 23, 1883.

AN ACT

TO PROVIDE FOR HOLDING A TERM OF THE DISTRICT COURT AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a term of the district court of the third judicial district of this territory, holding terms at Port Townsend, in said district, shall be held at Port Townsend, commencing on Thursday, the fifteenth day of November, A. D., 1883, and that a sufficient number of grand and petit jurors shall be summoned to attend said term, from the body of the counties of Jefferson, Clallam, Island and San Juan, upon special venires to be issued by said court.

SEC. 2. That said district court may at said term exercise all its

power and jurisdiction, to the same extent as at any regular term thereof, and may hear and determine all cases arising under the laws of the United States, and cognizable within said third judicial district.

SEC. 3. That, all acts and proceedings of said district court, at the adjourned term thereof, which commenced on the tenth day of November 1883, be and the same are hereby legalized and declared to be valid for all purposes: *Provided*, That this act shall not be so applied as to impair any vested rights.

Approved November 13, 1883.

AN ACT

PROHIBITING THE OWNERS OF HOGS IN WASHINGTON TERRITORY FROM PERMITTING THE SAME TO RUN AT LARGE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That owners of hogs in Washington Territory, be, and they are hereby prohibited from permitting the same to run at large, within the limits of said Territory.

SEC. 2. That the owner or owners thereof, shall be liable for the actual damages committed by his or their hogs, when running at large in said territory, said damages to be recovered in an action at law by the person or persons suffering the same.

SEC. 3. This act shall be in force from and after its passage.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved November 26, 1883.

AN ACT

IN RELATION TO THE CODE OF 1881, AND THE SESSION LAWS OF 1883.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the territorial auditor, be, and is hereby directed to exchange and deliver to C. B. Bagley four hundred (400) copies of the code of 1881, for printed copies of the session laws of 1883, the basis of said exchange to be page for page.

SEC. 2. The said session laws shall be delivered to the territorial secretary, to be distributed according to law, and any balance remaining thereafter, shall be by him delivered to the territorial auditor, to be retained by him subject to the order of the legislative assembly.

SEC. 3. All acts and parts of acts conflicting with this act are hereby repealed.

SEC. 4. This act to be enforced from and after its approval
Approved November 23, 1883.

AN ACT

TO PROVIDE FOR A HERD LAW.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. Any person letting cattle, horses, mules, sheep, hogs or stock of any kind, run at large, shall be accountable for all damages said stock may commit upon cultivated lands.

SEC. 2. The owner or owners of said stock, permitting the same to run at large, shall be liable to the person or persons injured by said stock, in the full value of all property destroyed or injury committed by the same together with costs of collection.

SEC. 3. That when such stock shall be found on or about the premises where the damage was committed it shall be lawful for the owner or occupant of the premises or any person sustaining damages by such stock, to take such stock into custody, and keep the same until the amount of damages shall have been ascertained and established by a court of competent jurisdiction, when said animal or animals shall by order of the court hearing the cause and rendering judgment therein, be sold, as under an order of execution and after satisfying the judgment in such case, and all costs, the balance shall be paid over to the owner or owners, of said animal or animals so sold, or to the person or persons in charge of the same at the time the damages were committed: *Provided:* That any person so taking any of such animals into his possession, shall not have the right to retain the same for more than five days without commencing a suit against the owners or keeper in charge of said animal or animals: *And provided further,* That if the owner or owners of any animal so taken up or the person entitled to the possession of the same, shall at any time pay or tender to the party injured all the damages he may have sustained as specified in this act, and all costs for keeping of such animal or animals taken up, he shall be entitled to immediate possession of the same: *And provided further,* That if the owner or keeper of any animal or animals, as aforesaid shall tender to the party so injured or damaged any sum of money as damages under this act and the said party injured or damaged shall not recover a judgment for a greater sum, on the hearing of the cause he shall not recover any cost of suit, or for keeping such animal or animals after the date of such tender.

SEC. 4. Justices of the peace shall have exclusive original jurisdiction in all cases arising under this act and any party shall have the right of appeal.

SEC. 5. This act shall take effect and be in force in such counties, as shall, at the next general election, held in accordance with the provisions hereinafter contained, by a vote of the qualified electors at such election, determine their desire for such law.

SEC. 6. Upon the presentation, 60 days or more before the next general election, of a petition signed by the legal voters of any county in Washington Territory, to the number equal to one-fourth the votes cast in said county, at the last general election, setting forth that the petitioners are desirous of having the question of enforcing this herd law in said county submitted for decision to the voters thereof, then the county commissioners shall give due notice by publication or otherwise, that the electors in said county may at the next general election, at the time of casting his or her ballot, also vote, "herd law, yes" or "herd law, no" which votes shall be canvassed as other votes for county offices. If the number of votes cast for "herd law, yes" exceed the number cast for "herd law, no," then the county commissioners of said county shall cause to be published in one or more newspapers, having a general circulation in said county a notice that this act has been approved by that county, and this act shall take effect and be in force in such county, from and after the first day of March following the publication of the above notice.

Approved November 27, 1883.

AN ACT

IN RELATION TO TRESPASS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION. 1. Any person who shall, for purposes of hunting or fishing, enter or go upon the enclosed lands of another or upon any lake or other body of water upon the lands of another, and who shall, in pursuance of said purposes, or either of them, do or commit any act, and who shall fail, neglect or refuse to depart forthwith therefrom, and remain away until permitted to return, by the owner, or person in lawful occupation of said lands or lake, such trespasser shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine, of not less than five nor more than fifty dollars, and shall be committed, in default of payment of the fine and costs imposed, to the jail of the county in which the offense is committed, one day for each two dollars of said fine and costs.

SEC. 2. Printed or written notices having attached thereto, by authority, the name of the owner or person in lawful occupation of said land and requiring all persons to forbear trespassing on said lands and to depart therefrom, posted in three conspicuous places on said lands, shall be held and deemed to be sufficient prima facie evidence of notice as mentioned in section one of this act.

SEC. 3. Justices' courts shall have jurisdiction over all offenses defined in this act.

SEC. 4. All fines collected under the provisions of this act shall be paid into and constitute a part of the common school fund of the county in which the offense is committed.

SEC. 5. Inasmuch as the present law is inadequate to the punishment of trespassers, this law shall take effect from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

AUTHORIZING THE SALE OF REAL ESTATE ESCHEATED TO COUNTIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county commissioners of the several counties of this territory be, and they are hereby authorized and empowered to sell and convey at public sale, for cash or on credit, in such manner as they may deem advantageous, any real estate or other property, which may have escheated to the county by operation of law.

SEC. 2. But no such sale shall be made before the expiration of five years after the property has vested in the county.

SEC. 3. In case of a sale, a conveyance shall be executed to the purchaser, by the chairman of the board of county commissioners, and the county auditor, attested by his seal of office. Such conveyance shall refer to the order of the board, directing such sale and shall be deemed to convey all the estate, right, title and interest of the county in and to the property sold.

SEC. 4. This act shall take effect and be in force at and after its passage.

Approved Nov. 23, 1883.

AN ACT

RELATIVE TO BARBED AND OTHER WIRE FENCES AND THE REPEAL OF CERTAIN SECTIONS OF THE CODE OF WASHINGTON

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the following shall be considered a lawful barbed wire fence: Posts set no more than thirty feet apart; three barbed wires stretched and securely fastened to the post; the first wire twenty-two inches from the ground; the second wire thirty-four inches from the ground; the third wire forty-eight inches from the ground;

four light strips or poles in every thirty feet securely fastened to the wires perpendicularly so that the spaces between the posts strips or poles shall be about six feet apart; posts set no more than twenty feet apart with two barbed wires and one pole rail or plank or three rails shall constitute a lawful fence.

SEC. 2. It shall be the duty of every person building and maintaining in the whole or in part a barbed wire fence, to keep the wires fastened to their proper places, and if upon five days' notice given to any, person that his or her wire is down, he or she shall neglect to fasten the same to its proper place, he or she shall be liable to a fine of not less than ten dollars nor more than fifty dollars for every such neglect.

SEC. 3. That sections 1253, 1264 and 1265 of the code of Washington be and are hereby repealed.

SEC. 4. This act to be in effect from and after its approval.
Approved November 26, 1883.

AN ACT

AN ACT FIXING THE RATE TO BE PAID FOR PUBLIC PRINTING, AND PROVIDING FOR AUDITING THE ACCOUNTS OF PUBLIC PRINTER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the compensation for incidental printing for the legislative assembly shall be as follows:

For composition for all reports and pamphlets, sixty (60) cents per thousand ems, printer's measurement, and thirty (30) cents per token, of 250 impressions, per form, of presswork; for paper fifteen (15) cents per pound; for paper binding, actual cost; for composition of all resolutions and memorials, thirty (30) cents per thousand ems; for presswork, thirty (30) cents per token of 250 impressions, each form, and for paper, twenty-five (25) cents per pound.

SEC. 2. That William H. Hughes, E. T. Gunn, and T. M. Reed, territorial auditor, who shall be duly sworn, be, and they are hereby appointed and constituted a board to audit the accounts of C. B. Bagley for printing the reports and pamphlets, and to audit the accounts of John M. Murphy, for printing the resolutions and memorials.

SEC. 3. That the territorial auditor shall draw his warrants on the territorial treasury in favor of C. B. Bagley and John M. Murphy, for incidental printing as audited by said board, which amount shall be paid out of any money in the treasury, not otherwise appropriated.

SEC. 4. That William H. Hughes and E. T. Gunn be and the same are hereby allowed the sum of five (5) dollars each for their services upon said board, to be audited and paid in the same manner that other accounts against the territory are paid.

SEC. 5. All acts or parts of acts in conflict with this act, be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after the date of its approval by the governor.

Approved November 27, 1883.

AN ACT

IN RELATION TO THE REMOVAL OF CAUSES TO THE SUPREME COURT,

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory:* That any person desiring to remove a cause from any district court of Washington Territory, may do so, either in person or by his attorney of record, and in the following manner: Such person or attorney, may give notice in open court, or at chambers, that he appeal such cause to the supreme court of the territory. Such notice shall, by order of the court, or judge having jurisdiction of the cause, be entered in the journal of such court, and no other service, or notice of process shall be required; and thereupon the clerk of such court shall make and certify a full and complete transcript of said cause, including the journal entries thereunto appertaining, and cause such transcript to be filed with the clerk of the supreme court within the time allowed by law; and thereupon the supreme court shall have complete and perfect jurisdiction of such cause.

SEC. 2. That the supreme court shall hear and determine all causes removed thereto, in the manner hereinbefore provided, upon the merits thereof, disregarding all technicalities.

SEC. 3. That in all causes removed to the supreme court, as in the preceding sections provided, the party so removing the same, may have the facts, or any portion thereof transmitted thereto, with the transcript of the cause; and such facts shall be certified to by the district judge before whom the cause was tried, to be all the material facts in the cause. Such facts shall be settled and agreed upon in the following manner: The party desiring to settle a statement of facts, shall give notice to the opposite party, or his attorney of record, within thirty days after the rendition of the judgment or order desired to be reviewed, upon a day therein named, which day shall be at least ten (10) days after the day of service; and upon such day the parties or their attorneys, shall appear before the court or judge, before whom the cause was tried, for the purpose of settling the statement of facts, and such judge shall sign any statement agreed upon by the parties, or their attorneys. If a disagreement occurs, the court, or judge shall settle as between the parties what is the proper statement, in so far as the disagreement exists; and when such statement is so settled, it shall be signed by such judge, and certified in the manner hereinbefore provided.

SEC. 4. It shall be no objection to any statement of fact, that such statement does not contain all the facts, or evidence in the cause, but the certificate of the judge of the court below, that such statement con-

tains the material facts in the cause, shall, for every purpose, be deemed sufficient.

SEC. 5. The notice of appeal, hereinbefore provided for, may be given at any time, within six months after the rendition of the judgment, order, or decision intended to be removed to the supreme court.

SEC. 6. All acts and parts of acts, so far as they conflict herewith, are hereby repealed.

Approved November 23, 1883.

AN ACT

TO PROTECT CARP, CATFISH, AND OTHER IMPORTANT FOOD FISH, IMPLANTED IN THE LAKES, OR RIVERS OR CREEKS OF THIS TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That it shall be unlawful for any person, or persons, to take from the lakes, rivers or creeks of this territory, any carp, catfish, black bass, rock bass or any important food fish, which may be implanted in the lakes or rivers of this territory, for a period of two years from the approval of this act by the governor.

SEC. 2. Any person, or persons, violating the provisions of the first section of this act, shall, on conviction thereof, be fined for the first offence not less than twenty-five dollars (\$25), and for the second, and subsequent offences, not less than fifty dollars (\$50), to which may be added imprisonment in the county jail not exceeding thirty (30) days.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved November 28, 1883.

AN ACT

IN RELATION TO SAW LOGS AND OTHER TIMBER.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory, of Washington:* That it shall be unlawful for any person or persons, to take up saw logs, hewn or other timber of value, found adrift on any bay, harbor or river in this territory, that shall be marked with any mark or brand, without permission of the owner or agent thereof: *Provided* the person claiming such mark or brand, shall have had a copy thereof, recorded in the county wherein he resides.

SEC. 2. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding three hundred dollars and stand committed until

paid: *Provided*, That the provisions of this act apply only to the counties of Whatcom and Suohomish.

SEC. 3. All acts and parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after January 1st, 1884, and after its passage and approval.

Approved November 28, 1883.

AN ACT

DEFINING THE TIME IN WHICH TERRITORIAL WARRANTS SHALL BE PRESENTED FOR PAYMENT AND IN RELATION TO THE CANCELATION OF UNPAID WARRANTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all warrants drawn on the territorial treasury, shall be presented for payment within the period of five years, after the date of the issue thereof; and should the payee or legal holder of any such warrant or warrants, neglect or fail to present the same for payment within the time herein specified, it shall be the duty of the territorial auditor to enter the same as cancelled on the books of his office and to notify the territorial treasurer of such cancellation: *Provided*, That should the payee or legal owner of any such cancelled warrant or warrants present the same for payment after the lapse of five years from the date of the issue thereof, the territorial auditor may upon proper showing, by affidavit and the delivery of the cancelled warrant into his possession, issue a new warrant in lieu thereof, on the territorial treasurer and the said treasurer is authorized to pay the same as other warrants are paid.

SEC. 2. All outstanding warrants, issued five years prior to the approval of this act, shall, if not paid within one year from the date hereof, be cancelled by the territorial auditor, as provided in section two (2) of this act.

SEC. 3. This act to take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

SUBMITTING TO THE VOTERS OF WASHINGTON TERRITORY THE QUESTION OF TAXING CHURCH PROPERTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That there shall be submitted to the legal voters

of the Territory of Washington, at the next general election in 1884, the question of taxing church property within said territory.

SEC. 2. The manner of voting on said proposition shall be: "church property tax, yes," and church property tax, no" and all tickets on which shall be written or printed, "church property tax, yes," shall be counted in favor of taxing church property, and all tickets upon which are written or printed the words "church property tax, no," shall be counted against taxing church property.

SEC. 3. All votes cast at said election, on said question, shall be counted, canvassed and returned to the secretary of the territory in the manner now required in the returns of votes in elections for delegate to congress.

SEC. 4. If it shall appear that at such general election a majority of the votes cast, on said question, are in favor of taxing said property, then it shall be the duty of the next legislature that may assemble, after said general election, to provide by law for taxing church property, and do all other acts proper and necessary to give effect to the popular will.

SEC. 5. This act to take effect from and after its approval.

Approved November 28, 1883.

AN ACT

TO FIX THE TIME OF CONVENING OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the regular biennial session of the legislative assembly of the Territory of Washington, shall commence at the capital of the territory on the first Monday of December, A. D., 1885, and in each alternate year thereafter, and continue for sixty days, unless sooner adjourned.

SEC. 2. All acts and parts of acts, in conflict with this act are hereby repealed.

Approved November 13, 1883.

AN ACT

RELATING TO CERTAIN CONTRACTS FOR THE CONDITIONAL SALE OR LEASE OF RAILROAD EQUIPMENT AND ROLLING STOCK, AND PROVIDING FOR THE RECORDING THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* as follows: In any contract of, or for the sale of railroad equipment or rolling stocks, it shall be lawful to agree that

the title to the property sold, or contracted to be sold, although deliverable immediately, or at any time or times subsequently, shall not vest in the purchaser, until the purchase price shall be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase money, and in any contract of, or for the leasing of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such lease, and that the rentals received may, as paid, be applied and treated as purchase money, and that the title to the property shall not vest in the lessee or vendee until the purchase price shall be paid in full, notwithstanding delivery to, and possession by, such lessee or vendee: *Provided*, That no such contract shall be valid as against any subsequent judgment creditor, or any subsequent *bona fide* purchaser for value and without notice, unless—

First—The same shall be evidenced by an instrument duly acknowledged before some person, authorized by law to take acknowledgments of deeds.

Second—Such instruments shall be filed for record in the office of the county auditor of the county in which, at the time of the execution thereof, is situated the principal office of the vendee or lessee within this territory.

Third—Each locomotive, engine or car so sold, or contracted to be sold, or leased as aforesaid, shall have the name of the vendor or lesser, plainly marked on each side thereof, followed by the word "owner" or "lessor," as the case may be.

SEC. 2. The contracts, herein authorized, shall be recorded by the said county recorder, in the book of records of mortgages of real estate in said county; and on payment in full of purchase money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect shall be made by the vendor, or his assignee, which declaration may be made on the margin of the record of the contract, attested by the said recorder, or it may be made by a separate instrument, to be acknowledged and recorded as aforesaid, and, for such services, the county recorder shall be entitled to the fees provided by law, for the recording of deeds and mortgages of real estate.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved November 28, 1883.

AN ACT

TO PROVIDE FOR THE PAYMENT OF DAMAGES, GROWING OUT OF THE CHANGES OF GRADES IN THE STREETS OR SIDEWALKS OF CITIES AND INCORPORATED VILLAGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That when the grade of any street or sidewalk, in any city or incorporated village, shall be established by the corporate authority of such city or village, and a building shall there-

after be constructed upon said street, no change shall be made in the grade of such street or sidewalk which shall require the raising or lowering of any building so constructed until the damages which may accrue by reason of such raising or lowering shall be appraised and ascertained as is hereinafter provided.

SEC. 2. In case the corporate authority of such city or village, and the owner of such building, shall be unable to agree upon the amount of such damages such authority shall appoint three disinterested freeholders, of such city or village, to appraise such damages. The appraisers so appointed, after being duly sworn, shall appraise such damage, and make two written reports thereof, signed by at least a majority of them, one of which shall be delivered to the clerk of such city or village, to be immediately filed in his office, and the other to the owner of the building.

SEC. 4. Such report shall be made and delivered within ten days after the appointment of the appraisers.

SEC. 5. Within twenty days after the filing of the report, with the clerk, either party feeling dissatisfied with such appraisement, may file in the office of the clerk of the district court, within the county in which such city or village is located, a copy of such report, certified by the clerk of such city or village, whereupon the clerk of the district court, shall cause the same to be entered on the trial docket of the next term of such court.

SEC. 6. Such city or village shall be plaintiff and the owner of the building shall be defendant, the question of damages shall be tried by a jury, or with the consent of the parties, by the court.

SEC. 7. The report of the appraisers shall be the complaint, and the defendant may file such pleadings as the court may allow.

SEC. 8. In case the owner of the building takes the appeal, and the damages are not increased, or in case the city or village takes the appeal, and the damages be decreased in the district court, the costs shall be taxed to the defendant. In all other cases, and in case no appeal is taken, all costs shall be taxed to, and paid by the city or village.

SEC. 9. The damages awarded by the appraisers, or assessed by the jury or court, in case of appeals, shall be paid by the city or village in the same manner that other debts or liabilities of such city or village are paid.

SEC. 10. This act shall take effect from and after its approval.
Approved Nov. 28, 1883.

AN ACT

TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES UPON THE PROPERTY OF RAILROAD COMPANIES IN THIS TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Ter-*

ritory of Washington: In lieu of any and all other taxes upon any railroad, except railroads operated by horse-power, within this territory, or upon the equipment, appurtenances or appendages thereof, or upon any other property situated in this territory, belonging to the corporation owning or operating such railroads, or upon the capital stock or business transactions of such railroad company, there shall hereafter be paid into the treasury of this territory, a percentage of all the gross earnings of the corporation owning, or operating such railroad, arising from the operation of such railroad as shall be situated within this territory, as hereinafter stated, that is to say: Every such railroad corporation or person operating a railroad in this territory shall pay to said treasurer each year, for the first five years after said railroad shall be or shall have been operated, in whole or in part, two (2) per centum of such gross earnings; and for and in each and every year, after the expiration of the said five years, three (3) per centum of the said gross earnings; and the payment of such per centum annually as aforesaid, shall be and is in full of all taxation and assessments, whatever, upon the property aforesaid. The said payments shall be made one-half ($\frac{1}{2}$) on or before the 15th day of February, and one-half ($\frac{1}{2}$) on or before the 15th day of August, in each year; and for the purpose of ascertaining the gross earnings aforesaid, an accurate account of such earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the treasurer of this territory, on or before the first day of February, in each year; the truth of which abstract shall be verified by the affidavits of the treasurer and secretary of said company, and for the purpose of ascertaining the truth of such affidavits and the correctness of such abstracts, full power is hereby vested in the governor of this territory, or any other person appointed by law, to examine under oath, the officers, and employees of said company, or other persons; and if any person so examined by the governor or other authorized person, shall knowingly or willfully swear falsely concerning the matter aforesaid, every such person is declared to have committed perjury. And for the purpose of securing to the territory the payment of the aforesaid per centum it is hereby declared that the territory shall have a lien upon the railroad of said company and upon all property, estate and effects of said company whatsoever, personal, real or mixed, and the lien hereby secured to the territory shall have and take precedence of all demands, decrees and judgments against said company.

SEC. 2. If any railroad company in this territory shall fail to make returns of its gross earnings as aforesaid, or of any part thereof, at the time and in the manner provided by law, and such default shall continue during the period of thirty (30) days, such company shall be subject to a penalty in an amount equal to twenty-five (25) per cent. of the tax imposed upon such company by this act and the treasurer of the territory shall forthwith ascertain the amount of such tax justly due from such company as nearly as may be, from such evidence as may be available, and shall thereupon collect such tax as so ascertained, together with the said penalty thereon. The amount of tax ascertained by the territorial treasurer as in this section provided shall, together with the said penalty thereon, be by him entered in the books of his office; and such entry, when so made shall stand in the place of the report required

by law to be made by such company and shall in all courts within this territory, be evidence of the amount of such tax and penalty, and of the other facts stated therein in pursuance of this act.

SEC. 3. In case any railroad company shall fail or neglect to pay the taxes reported by it to be due, in pursuance of this act, for the period of thirty (30) days after the same shall have become due by the terms thereof, in such case there shall be added to the amount of such tax ten (10) per centum thereof, as a penalty for such failure or neglect to pay.

SEC. 4. At any time after the expiration of the period of thirty (30) days after any tax has become due and payable under the provisions of this act, the territorial treasurer or his deputy shall distrain sufficient goods, chattels or other movable property if found within this territory to pay the taxes or per centum due from such corporation, together with the penalty thereon, herein provided; and shall immediately advertise the sale of the same in at least three newspapers published within this territory, stating the time when, and the place where such property shall be sold; such sales shall take place at some point on the railroad of such delinquent company and at least four (4) weeks' notice of the time and place of such sale shall be given. Such delinquent company, its successors or assigns, may pay any such taxes and penalty, at any time before the sale of property distrained as herein provided; and thereupon further proceedings in connection with such distress shall cease, and the property distrained, be surrendered to the owner thereof.

SEC. 5. The lands of any railroad company shall become subject to taxation in the same manner as other similar property, as soon as the same are sold, leased or contracted to be sold or leased; and on or before the first day of April, of each year, each railroad company having land within this territory, shall return to the county auditor, of each county, full and complete lists, verified by the affidavits of some officer of the company, having knowledge of the facts, of all lands of such company, situated in said county, sold or contracted to be sold or leased, during the year ending the last day of December preceeding; and the list furnished on or before the first day of April, A. D., 1884, in compliance with the terms of this section, shall include a complete list of all lands sold or leased, or contracted to be sold or leased prior to the last day of December, A. D., 1883.

SEC. 6. The moneys received and collected by the territorial treasurer, in pursuance of this act, shall be disposed of by him as follows: One third ($\frac{1}{3}$) thereof shall be retained in the territorial treasury for the use of the territory, and the remainder shall be apportioned among the several counties into or through which the railroads respectively run in proportion to the number of miles of main track situated in each county respectively.

SEC. 7. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved November 28 1883.

AN ACT

RELATIVE TO FILLING VACANCY IN BOARD OF COUNTY COMMISSIONERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That whenever a vacancy occurs in the board of county commissioners, in any county in the territory of Washington, either by death, resignation, failure to qualify, or otherwise, then at the first regular meeting of the board of county commissioners, the remaining county commissioners and the probate judge, shall appoint some qualified elector to fill the vacancy: *Provided, however,* That if in any districted county, a vacancy occurs by failure of qualification, then the old commissioner shall hold over until his successor is elected and qualified.

SEC. 2. This act to be in force from and after its approval.

Approved November 23, 1883.

AN ACT

TO REPEAL AN ACT, ENTITLED AN ACT TO REGULATE THE SALE OF EGGS BY WEIGHT, APPROVED NOVEMBER 12, 1875.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That an act entitled "an act to regulate the sale of eggs by weight," approved November 12, 1875, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force after its approval by the governor.

Approved November 23, 1883.

AN ACT

TO PROHIBIT THE SALE OF TOY PISTOLS, FIRE ARMS AND TOBACCO TO CHILDREN UNDER THE AGE OF SIXTEEN YEARS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That it shall be unlawful for any person or persons, to sell or offer for sale, any toy pistols within this Territory, and that every person who shall sell, give, furnish, or cause to be furnished to any person under the age of sixteen years, any pistol, toy pistol or other pocket weapon, in which explosives may be used, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not less than five, nor more than twenty-five dollars.

SEC. 2. Every person who shall sell, give, furnish, or cause to be furnished to any person under the age of sixteen (16) years, any cigarette, cigar, or tobacco, in any form without the written consent of the parents or guardian of the person of such minor, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum, not less than (10) dollars, nor more than fifty dollars.

SEC. 3. This act to take effect and be in force, from and after January 1st, 1884.

Approved November 26, 1884.

AN ACT

TO PRESERVE AND PROTECT THE LANDS RESERVED FOR THE USE OF SCHOOLS IN THIS TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory:* That the board of county commissioners, of the several counties in this territory, be and are authorized and empowered, for and in the name of the territory, to have the care, custody and management of all lands, in their several counties, reserved by Congress, for the use of schools within the territory, under the provisions of section twenty of the organic act of March 1853, and section 1947, of the revised statutes of the United States.

SEC. 2. In case any person or persons, association or associations, or corporation have, or shall hereafter enter or attempt to enter any part of sections 16 and 36, so reserved, as aforesaid, the said board of commissioners are authorized in the name of the territory, to appear by counsel, before the several land offices, and departments, and contest any and all such entries, and attempted entries.

SEC. 3. In the event that it shall, in the opinion of such boards, be deemed necessary to prosecute or defend any actions in any of the courts, to protect and preserve such lands, the prosecuting attorneys of the several districts, shall appear and prosecute and defend such actions, on request of said boards; and the boards, at the expense of the county, may, if they deem best, employ additional counsel to aid therein.

SEC. 4. This act shall take effect and be in force, from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

TO ESTABLISH AND PROVIDE FOR FREE SCHOLARSHIPS IN THE TERRITORIAL UNIVERSITY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That it shall be lawful for the appointment and estab-

ishment of thirty-six free scholarships in the territorial university, the appointments to be made as hereinafter provided.

SEC. 2. That each councilman of the legislative assembly, shall have authority to appoint one person, to a scholarship from his council district, and each representative in the house of representatives, of the legislative assembly, shall have authority to appoint one person, to a scholarship from the county or district represented by him, *Provided*: That should there be found no qualified person, in any council or representative district, desiring to accept a free scholarship in said university, after due and reasonable notice, given by the councilman or representative of said district, then said appointment, may be made from any other portion of the territory.

SEC. 3. That no person shall be appointed to, or hold a free scholarship in said university, who, at the time of his or her appointment, is under fourteen years of age, or over twenty-one years of age, nor who shall not have been a *bona fide* resident of the territory at least six months prior to the date of said appointment.

SEC. 4. Every appointment made under the provisions of this act, shall be in duplicate form; one copy of which shall be sealed and addressed to the territorial auditor, and filed in his office, and the other copy, sent to the secretary of the board of regents, of the university, within ten days after the date of said appointment.

SEC. 5. At the close of each quarter of the school term, following the appointment of one or more scholarships to the university, the secretary of the board of regents, shall prepare and file, in the office of the territorial auditor, a tabular statement, showing the name, age, residence, date of appointment, and by whom appointed, and the name of the parents or guardian of each person, holding a free scholarship in said university.

SEC. 6. Any scholarships made under the provisions of this act, shall entitle the holder thereof, to two years, free tuition in said university, of not less than nine months in each year, in separate terms of three months each.

SEC. 7. Any vacancy by resignation, death, expulsion, or removal from the territory, in any appointment of scholarship, under the provisions of this act, may be filled by appointment, for the unexpired term of said scholarship, by the councilman or representative, making such appointment.

SEC. 8. This act to take effect and be in force, from and after its approval.

Approved November 23, 1883.

AN ACT

TO REPEAL AN ACT IN RELATION TO ELECTION OF OFFICES IN NEWLY ORGANIZED COUNTIES.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Ter-*

ritory of Washinton: That an act entitled "An act providing for the election of officers of newly organized counties," approved November 11, 1875, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its approval.

Approved Nov. 23, 1883.

AN ACT

IN REGARD TO DUTIES OF JUSTICES OF THE PEACE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington, and it is hereby enacted by the authority of the same:* That from and after the passage of this act it shall be the duty of all justices of the peace within this territory, before whom any person or persons shall be committed or held to bail to answer for any crime, to return their proceedings to the clerk of the district court within ten days after the final hearing and commitment, or holding to bail, as afore said, and any justice of the peace who shall fail or neglect to make such return shall not be entitled to receive any fees or costs in such case.

SEC. 2. This act to take effect and be in force from and after its approval.

Approved November 26, 1883.

AN ACT

PRESCRIBING THE MODE OF MAINTAINING AND DEFENDING POSSESSORY ACTIONS ON UNSURVEYED PUBLIC LANDS IN THIS TERRITORY.

WHEREAS, A great many citizens of the United States are now settling upon and cultivating the unsurveyed government lands in this territory; and, as many years may elapse before the government surveys will be extended over the said lands, so that the settlers upon the same, can take them under the laws of the United States, and defend them against the trespass of others, therefore:

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That any person now occupying and settled upon, or who may hereafter occupy or settle upon any of the unsurveyed public lands not to exceed 160 acres in this territory, for the purpose of holding and cultivating the same, may commence and maintain any action, in any court of competent jurisdiction, for interference with or injuries done to his or her possessions of said lands, against any person or persons so interfering with or injuring such lands or possessions: *Provided, always,* That if any of the aforesaid class of settlers are ab-

sent from their claims continuously, for a period of six months in any one year, the said person or persons shall be deemed to have forfeited all rights under this act.

SEC. 2. Any person or persons, who shall wilfully and maliciously disturb, or in any wise injure, or destroy the dwelling house, or other building, or any fence inclosing, or being on the claim of any of the aforesaid class of settlers, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than one hundred (\$100) dollars, for each and every offense, to which may be added imprisonment in the county jail, not exceeding ninety (90) days.

SEC. 3. Any person or persons, who shall willfully, or maliciously set fire to any dwelling, or other building, of any of the aforesaid class of settlers, shall be deemed guilty of arson, and subject to the penalties of the law in such cases, made and provided.

SEC. 5. This act shall be in force from and after its approval by the governor.

Approved November 26, 1883.

AN ACT

IN RELATION TO TERRITORIAL CONVICTS AND PROVIDING NOTICE OF CONVICTIONS TO BE FILED WITH THE TERRITORIAL AUDITOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That in all convictions for felony, punishable by imprisonment in the territorial penitentiary, the clerk of the district court, in which any such conviction shall have occurred, shall, forthwith, after sentence, certify the fact of such conviction to the territorial auditor, giving date of such sentence, the name and age, (if known,) of the party, the nature of the crime, for which convicted, and the duration of the sentence imposed by court.

SEC. 2. It shall be the duty of the superintendent, or keeper of the territorial penitentiary, immediately upon the expiration of the time for which any prisoner, confined in the territorial prison is convicted, or upon the death, pardon, release or escape of any such prisoner, to give official notice thereof to the territorial auditor. It shall be the duty of said superintendent or keeper of the prison, on or before the first day of January, 1884, to make out a detailed report to the territorial auditor, to be filed in his office showing:

First—The names of all prisoners committed to the penitentiary from and after the first day of June, 1878;

Second—The county or district from which committed;

Third—The nature of the crime for which convicted;

Fourth—The duration of the sentence, also the names and number

of all those who have died, who have been discharged, or who have escaped from said penitentiary, since the said first day of June 1878.

SEC. 3. Should the superintendent or keeper of the territorial penitentiary, neglect or refuse to give the notice to the territorial auditor, as provided in section two (2) of this act, he shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be subject to a fine, in any sum, not exceeding five hundred dollars, in any court of competent jurisdiction, and shall stand committed, until said fine is paid.

SEC. 4. It shall be the duty of the territorial auditor to keep a public record, of all convictions of parties sentenced to the territorial penitentiary; such record to embody the full data of facts, reported to him, under sections one (1) and two (2) of this act.

SEC. 5. This act to take effect and be in force from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

IN RELATIONS TO PROSECUTING ATTORNEYS, DEFINING THEIR DUTIES AND FIXING THEIR COMPENSATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That at the general election in the year one thousand and eight hundred and eighty-four, for delegate to congress, and every two years thereafter, there shall be elected in the first judicial district, by the qualified voters of the counties of Walla Walla, Columbia, Garfield, Whitman, Spokane, Stevens, Lincoln and Assotin, one prosecuting attorney, for each of said counties, except the counties of Columbia, Garfield and Assotin, which shall have one prosecuting attorney jointly, and the counties of Spokane, Stevens and Lincoln, which shall have one prosecuting attorney jointly.

SEC. 2. The second judicial district, is divided into three prosecuting attorney districts; and each of said districts shall, on the general election, in the year one thousand eight hundred and eighty-four, and every two years thereafter, elect one prosecuting attorney.

SEC. 3. The counties of Yakima, Klickitat, Skamania and Clark, shall constitute the first prosecuting attorney district.

SEC. 4. The counties of Cowlitz, Waukiakum, Pacific, Chehalis, Mason and Thurston, shall constitute the second prosecuting attorney district, and the county of Lewis, shall constitute the third prosecuting attorney district.

SEC. 5. The third judicial district be, and the same is hereby divided into three prosecuting attorney districts; and each of said prosecuting attorney districts, shall, at the general election, in the year one thousand eight hundred and eighty-four, and every two years thereafter, elect one prosecuting attorney.

SEC. 6. The county of Pierce shall elect one prosecuting attorney; the counties of King, Kitsap and Snohomish shall elect one prosecuting attorney jointly; the counties of Whatcom, Island, Jefferson, Clallam, San Juan and Skagit shall elect one prosecuting attorney jointly.

SEC. 7. Each prosecuting attorney, elected under this act, shall be a practicing attorney at law, and have the qualifications of an elector, and shall reside in, and be an inhabitant of the county or district for which he is elected, and shall continue in office, for the term of two years, from and after the second Monday of January, after his election and qualification, and until his successor is elected and qualified.

SEC. 8. The county auditors of the several counties shall make out under their hands, and seals of their office, a certificate showing the number votes given in their respective counties, for each person for prosecuting attorneys, and transmit the same to the secretary of the Territory, and said votes shall be canvassed by said secretary, and he shall issue a certificate of election to the person receiving the highest number of votes, in each of said counties or district, and the person so receiving the highest number of votes, in each of said counties or district, shall be the prosecuting attorney of said county or district, and he shall be commissioned by the governor. The county auditor shall transmit the certificate of the votes herein required, to said secretary, within four weeks after said election.

SEC. 9. Every prosecuting attorney, before entering upon the duties of his office, shall take and subscribe an oath, faithfully to discharge the duties of his office, as prosecuting attorney for the district or county which he was elected. Such oath shall be in writing, certified by an officer authorized to administer oaths, and it shall be filed in the office of the secretary of the territory, and moreover, the said prosecuting attorney shall give to the territory of Washington a bond in the sum of two thousand dollars, with good and sufficient surety, conditioned that he will faithfully discharge the duties of his office according to law, which bond shall be approved by the judge of the district for which he was elected, and filed in the office of the secretary of the territory, with said oath of office.

SEC. 10. Each prosecuting attorney shall be the legal adviser of the board of county commissioners for the county or district for which he was elected; he shall also prosecute all criminal and civil actions in which the territory or any county within his district may be a party; defend all suits brought against the territory, or any county composing his district, and prosecute all forfeited recognizances, bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the territory, or any county within his district: *Providing*, The commissioners of any county may employ other attorneys, when they may deem it for the interest of their county.

SEC. 11. The prosecuting attorney of any county or district, from which an appeal, or writ of error, is taken to the supreme court, shall appear in behalf of the territory or county, in the supreme court, in all cases in which the territory or any county in his district is interested, and prosecute or defend the same as the case may be.

SEC. 12. Each prosecuting attorney, when required by the board

of county commissioners of any county in his district, or by the president of such board, shall give to such board of county commissioners, in writing if so required, his legal opinion, touching any subject which such board of county commissioners may be called or required to act upon, relating to the management of county affairs.

SEC. 13. The prosecuting attorney, in each county or district, is hereby required to give legal advice, when required, to all county and precinct officers, and directors and superintendents of common schools, in all matters relating to their official business; and, when so required, he shall draw up, in writing, all contracts, obligations and like instruments of an official nature, for the use of said officers.

SEC. 14. It shall be the duty of the prosecuting attorney to visit, once in each year, the offices of the county auditors of the several counties in his district, and he shall then examine the official bonds of all county and precinct officers on file in such offices; and it is made his duty to report to the board of county commissioners of their respective counties, any defect in the bonds of any public officer in such county. He shall also, once in each year, examine the public records and books of the auditor, assessor, treasurer, superintendent of common schools, and sheriff of each county in his district, and report to the board of county commissioners, of their respective counties, any failure, refusal, omission or neglect of such officers, to keep such records and books as required by law.

SEC. 15. Whenever a petition for divorce remains undefended, it shall be the duty of the prosecuting attorney to resist such petition but no such petition shall be heard by the court, nor shall said prosecuting attorney be required to appear, and defend the same, until the sum of fifteen dollars be deposited by the plaintiff, with the clerk of the court, as the fee of such prosecuting attorney.

SEC. 16. No prosecuting attorney shall be allowed to conduct any suit for divorce, on the part of the petitioner or applicant, in the courts of this territory, nor shall any partner in the practice of the law, or attorney having his office with the prosecuting attorney of this territory, be allowed to prosecute any suit in behalf of the petitioner or applicant for a divorce in the courts of this territory.

SEC. 17. No prosecuting attorney shall receive any fee, or reward, from any person, on behalf of any prosecution, for any of his official services, except as provided in this act; nor shall he be engaged as counsel for a party in any civil action depending upon the same facts as a criminal prosecution.

SEC. 18. Each prosecuting attorney shall, on the thirty-first day of December in each year, make to the governor of the territory a report setting forth the amount and the nature of business transacted by him in that year, with such other statements and suggestions as he may deem useful.

SEC. 19. When any prosecuting attorney fails, from sickness or other cause, to attend a term of the district court of the district or county for which he was elected, or is unable to perform his duties at such term, the court or judge may appoint some qualified person to

discharge the duties for such term; and the person, so appointed, shall receive a compensation, to be fixed by the court, to be deducted out of the territorial salary of such prosecuting attorney, not exceeding however, one fourth of the quarterly salary of such prosecuting attorney.

SEC. 20. When a vacancy occurs in the office of prosecuting attorney, in any district or county, it shall be the duty of the governor to appoint some qualified person to discharge the duties of the office, until the next general election for delegate to congress, and until another prosecuting attorney shall be elected and qualified: *Provided*, That the person so appointed shall be duly qualified as provided in section seven of this act.

SEC. 21. Each prosecuting attorney, elected under this act, shall receive a yearly salary as follows: The prosecuting attorney for the county of Walla Walla shall receive a salary of five hundred dollars; the prosecuting attorney for the counties of Columbia, Garfield and Asotin shall receive a yearly salary of five hundred dollars; the prosecuting attorney for the county of Whitman shall receive a yearly salary of five hundred dollars; the prosecuting attorney for the counties of Spokane, Lincoln, Douglas and Stevens shall receive a yearly salary of five hundred dollars; the prosecuting attorney for the counties of Clarke, Skamania, Klickitat and Yakima shall receive a yearly salary of nine hundred and fifty dollars; the prosecuting attorney for the counties of Mason, Chehalis, Pacific, Wabkiakum, Cowlitz and Thurston shall receive a yearly salary of seven hundred and fifty dollars; and the prosecuting attorney for the county of Lewis shall receive a salary of three hundred dollars; the prosecuting attorney for the county of Pierce shall receive a yearly salary of five hundred dollars; the prosecuting attorney of the counties of King, Kitsap and Snohomish shall receive a yearly salary of nine hundred dollars; the prosecuting attorney for the counties of Jefferson, Island, Clallam, Skagit, San Juan and Whatcom shall receive a yearly salary of six hundred dollars; said sums to be paid quarterly, out of the territorial treasury, out of any funds in the treasury not otherwise appropriated, upon presentation to the territorial treasurer of the proper warrant therefor, which warrant shall be paid in its regular numerical order.

SEC. 22. Each prosecuting attorney shall receive for his services in prosecuting and defending civil actions, for any county within his district, and for legal advice to board of county commissioners, and county and precinct officers, and for such other duties as may be required in sections twelve and thirteen of this act, and any other duties imposed by law, the following sums annually to be paid out of the county treasury of each county within his county or district, on the warrant of the county auditor of any such county, who shall take said prosecuting attorney's receipt for the amount of said warrant; that is to say, in counties where the population is one thousand or less, the sum of fifty dollars, and for any additional number of inhabitants above one thousand, at the rate of twenty-five dollars per thousand, out of any money in the general fund of the county, not otherwise appropriated; he shall also be entitled to receive for all amounts collected by him for the territory, or for his county or district, ten per cent. on the amount collected:

Provided. That in the counties of Walla Walla, Whitman, Columbia, Garfield, Spokane, Stevens, Lincoln and Asotin the prosecuting attorneys shall receive the sum of seventy-five dollars where the population is one thousand or less, and for any additional number of inhabitants above one thousand at the rate of fifty dollars per thousand.

SEC. 23. Each prosecuting attorney, elected under this act, may appoint one or more deputies, not to exceed two, who shall have the same power in all respects as their principal: the appointment shall be in writing, and shall be signed by the prosecuting attorney, and shall be filed in the auditor's office of the county where the court is held. He may revoke the appointment of any deputy at will, by writing filed in the same office. Each deputy shall be qualified as provided in section seven of this act, and shall, before entering upon his duties, take the oath of office, which shall be endorsed upon his appointment. The prosecuting attorney may take from each of his deputies a bond with sureties for the faithful performance of his duties; but the prosecuting attorney and the sureties on his bond shall be liable for all the official acts of his deputy: *Provided,* Such deputy shall receive his compensation from his principal, and no additional fees or salary shall be allowed any prosecuting attorney for such purposes.

SEC. 24. The prosecuting attorney, when not in attendance upon the district court, shall institute and prosecute proceedings before magistrates for the arrest of persons charged with, or reasonably suspected of, public offenses, when he has information that any such offense has been committed, and shall for that purpose attend when required by them. The prosecuting attorney shall also attend and appear before, and give advice to, the grand jury when cases are presented to them for their consideration, and shall draw all indictments when required by the grand jury. It shall be the duty of the prosecuting attorneys, elected under this act, to carefully tax all cost bills in criminal cases arising in their respective counties or districts, and they shall take care that no useless witness fees are taxed as part of such cases, and that the officers, authorized to execute process, tax no other or greater fees than the fees allowed by law: *Provided,* That, if they are not present at the trial of any criminal case, before any justice of the peace, and the cost bill in such last case is lodged with the county commissioners for such payment the said prosecuting attorney shall have the right to receive and retax the same, and it is made his duty so to do, if the board of county commissioners deem the bill exorbitant or improperly taxed.

SEC. 25. The prosecuting attorneys heretofore elected, and now exercising the duties of the office of prosecuting attorney, shall continue in office, until the second Monday in January, one thousand eight hundred and eighty-five, and until their successors are elected and qualified.

SEC. 26. No other or greater fees or salary, than herein provided, shall be allowed or paid to any prosecuting attorney in this territory.

SEC. 27. All acts and parts of acts in any manner conflicting with the provisions of this act be, and the same are hereby repealed: *Provided however,* That nothing herein contained shall be construed as

repealing one act or part of an act imposing an additional duty on prosecuting attorneys: *Provided further*, That the provisions contained in sections 12, 13, 14, 18 and 22 of this act shall not apply to any of the counties composing the second judicial district.

SEC. 28. This act shall take effect and be in force from and after its passage.

Approved November 23, 1883.

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF DITCHES, DRAINS OR WATERCOURSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county commissioners of any county in the territory shall have power to cause to be established, located and constructed, for agricultural or sanitary purposes, as hereinafter provided, any ditch, drain, or watercourse within said county.

SEC. 2. Any person owning, possessing, or occupying any swamp, wet, marsh, or overflowed lands, in the territory, who shall desire to drain the same, when he shall deem it necessary, in order thereto that a ditch, or drain, should be opened through lands belonging to other persons, in case the owners of said lands shall refuse to permit the opening of said ditch or drain, through the same, or if the parties cannot agree upon the terms thereof, he shall make application in writing, to the board of county commissioners, of the county, in which such swamp, wet, marsh, or overflowed lands shall be situated, to enquire and determine whether such swamp, wet, marsh, or overflowed lands, are a source of disease, and whether the public health would be promoted by draining the same, or whether such ditch or drain is necessary for the proper cultivation of the same, and whether the permanent assessed value of the same would be increased by such drain said application shall be filed with the county auditor, together with a good and sufficient bond, conditioned to pay all costs and expenses of location and appraisalment, should the county commissioners grant said application, at least thirty days before a regular meeting of the board of county commissioners.

SEC. 3. That said application shall contain a description of the lands to be drained, the premises through which it will be necessary for the said ditches or drain to be constructed, and the owner or owners thereof, if known, and in a clear, concise manner, the facts showing the necessity of said ditch, or drain, and shall be verified by oath of the applicant. Twenty days' notice of said application shall be given to the owners of the lands, affected by said ditch or drain. Upon the filing of such application and bond, the county auditor shall prepare the necessary number of notices for the applicant, who shall cause one such notice to be given to the owner, of each tract sought to be affected, by the proceeding; the notice shall state, substantially, the prayer of the application, and the time and place, when and where, the

same will be heard before the county commissioners; and if any person owning lands, sought to be affected by the proceeding, be a non-resident of the county, the same notice shall be sent to him by registered mail, if such residence be known by the county auditor, otherwise it shall be published for four executive weeks, in some newspaper published, or of general circulation in the county.

Sec. 4. If on the second day of the regular meeting of the board of county commissioners, next succeeding the filing of the application, as provided in section two of this act, the county commissioners find that due notice of said application has been given, and the bond filed, and all requisite preliminary steps taken, they shall proceed at once to hear and determine said application, excluding from such hearing all matters and evidence, except that pertaining to the necessity of said ditch, or drain, and if it be found that said ditch or drain, when constructed, will promote the public health, or that it is necessary, for the proper cultivation of the wet, swamp, or overflowed lands, described in said application, that the same should be drained, or that the permanent assessed valuation of said lands would be increased by such ditch, or drain, or that from any other cause the the construction of said ditch, or drain, would be to the public benefit, or welfare, they shall make a finding to that effect in writing, which shall be signed by the board, and certified to by the county auditor, be filed for record in the county auditor's office; they shall also, immediately thereafter, appoint three disinterested persons, free holders of the county, one of whom shall be a practical surveyor, or civil engineer, as viewers and appraisers of said ditch, or drain.

Sec. 5. If on the second day of the meeting of the board of county commissioners, next succeeding the filing of the said application, it shall appear to them that any person, who may be interested in the construction of said ditch, or drain, or lands affected thereby, has not been notified according to the provision of this act, or that any of the requisite preliminary steps has not been taken, they shall postpone the consideration thereof, to some future time, not longer than to the next regular meeting of the board, and order such preliminary steps to be taken, and a majority of the board are competent to perform any of the requirements of this act.

Sec. 6. When the viewers or appraisers shall have been appointed, as provided in section 4, and taken an oath well and truly to locate said ditch, or drain, without prejudice or partiality, according to the true intent and meaning of this act, they shall proceed to locate said ditch, or drain, in the best possible manner for the interest of the owners of the lands affected by the location of the same, giving to the ditch, or drain, all the fall the face of the land will permit, and designating each rod to be dug upon, which shall mark the width and depth of said ditch, or drain.

Sec. 7. The viewers shall also at the same time estimate the cost of said ditch, or drain, making separate estimate for each rod, where the same is to be dug wider or deeper or the obstructions are greater and harder to overcome in said digging, and they shall also make a true and impartial list of lands benefited by said ditch, or drain, and the owners

thereof, and appraise the value of said lands, and they shall also estimate the amount of damages, if in their opinion the construction of said ditch, or drain, will damage any lands more than the benefits accruing, by reason thereof, which should be paid to the owner or owners of said lands, as hereinafter provided.

SEC. 8. The viewers shall make a report specifying the starting point, route, and terminus of said ditch, or drain, its size, flare, fall and estimated cost, and a description of the land through which it is to be dug; also a plat showing the survey and profile view of the same; they shall also report the amount or amounts assessed as damages, if any, the estimated quantity of lands benefited, the appraised value, and owners of such lands; which reports and plats, duly verified by the oath of the reviewers, to the effect that the same is a just and impartial estimate and report, shall be filed with the county auditor, at least ten days after to the regular meeting of the county commissioners, next succeeding the appointment of such viewers, and the viewers shall also determine from the nature of the survey, and view, the time not exceeding two years from the date of filing their report, in which said ditch, or drain, shall be completed.

SEC. 9. At their next regular meeting succeeding the filing of the report of the viewers, the county commissioners shall proceed to examine the report and plans of the viewers and act thereon; they shall locate said ditch, or drain, upon the route laid out by the viewers, as a public ditch; they shall, upon the estimates furnished by the owners, assess the amount of damages to lands affected by said ditch, or drain, where the damages thereto are greater than the benefits accruing by reason of said ditch, or drain, which should be paid to the owner; and before any order shall issue for the construction of said ditch, or drain, the applicant shall pay the estimated damages, or tender the same by making deposit thereof with the county treasurer, who shall hold the same for the benefit of the owner or owners of said lands, damaged by the construction of said ditch, or drain, and the written receipt therefor of the owner or agent of said lands, or the county treasurer, shall be filed with the county auditor.

SEC. 10. Upon payment of all assessed damages, by reason of said ditch, the said applicant, his agents, servants, or employes, are hereby authorized, under order of the county commissioners, to enter upon the premises through which said ditch, or drain, is located and construct the same according to the plans and specifications of the viewers and order of the county commissioners.

SEC. 11. When said ditch, or drain, shall have been completed by the said applicant, he shall file notice thereof, together with a verified bill of expenditures, on account of said ditch, or drain, including therein the amount of damages paid, and all fees and expenses incident to the location and construction of said ditch, or drain, with the county auditor who shall, thereupon, transmit a copy of the plan and specification of said ditch, or drain, to the county surveyors, who shall examine said ditch, or drain, and at the next meeting of the county commissioners report whether the same is constructed according to the plans and specification, and if it be found that said ditch, or drain, is

constructed as near as practicable in accordance with the plans and specifications and location thereof the county commissioners shall, at their next regular meeting if the bill of expenditures is not exorbitant, nor greater than the estimated costs submitted by the viewers, taking the valuations, submitted by the viewers, the basis of the value, of the several tracts, assess the costs of location and construction, of said ditch, or drain, upon the several tracts benefited thereby, in the proportion which the value of each tract benefited bears to the value of all the lands benefited by said ditch, or drain; they shall also make or cause to be made, a list of said lands so benefited, and a schedule of the assessments made against said lands, in duplicate, and shall append thereto their affidavits, that the same is to the best of their judgment and belief, a true and just assessment, and cause one copy thereof, to be delivered to the applicant, and the other to be recorded, in the county auditor's office, and it shall be lawful for the said applicant to demand and receive from the owner of the lands benefited by said ditch, or drain, or any one of them, the amounts assessed against his said land, on account of the construction of said ditch, or drain; and if the same shall not be paid, within thirty days after demand, the applicant may make a verified statement of the assessment against each tract assessed, and file the same with the county auditor, who shall record the same in the book of liens, indexing the owner, as lienor, and the applicant, as claimant, for which he shall be entitled to charge the regular fee, which shall be paid by the applicant; and the assessment named, in such verified statement, shall be a lien upon said tract, which lien shall be prior to all other liens, and incumbrances, subsequent to the assessment, and may be foreclosed, by the said applicant, or his assignee, at any time within five years, from the date of said assessment, in any court of competent jurisdiction.

SEC. 12. Either party feeling aggrieved by any decision of the county commissioners, in relation to the assessment, or the matters herein contained, may within twenty days after rendition of such decision, appeal to the district court of the county in which the land is situate, and the said court may hear and determine all matters relating to said ditch, or drain; an appeal bond shall be required as in cases of appeal from justices of the peace, and the same shall be filed with the county auditor, who shall approve it, and immediately thereafter shall certify all the original papers to the clerk of the district court; and if the decision, upon appeal, shall not change assessments more than twenty dollars, the appellant shall pay all costs of proceedings on appeal: *Provided*, That so much of the decision of the county commissioners, as relates to the location, width and depth, of said ditch, or drain, shall be final.

SEC. 13. After said ditch, or drain, is completed, it shall be kept in repair, under the direction of the county commissioners, if the parties cannot agree between themselves, and when applied to in writing, by any person owning land, through which such ditch, or drain, shall run, the county commissioners shall order the county surveyor to examine the same, and upon his report may make such orders, in regard to the repair, and cleansing thereof, as may to them seem just and

equitable, giving the owner of the lands reasonable time to make or cause to be made such repairs himself; and if, after the expiration of said time, the work is not done, the county commissioners may authorize the person applying for repairs to do or cause the work to be done, which shall be assessed and paid in the manner provided in section eleven of this act.

SEC. 14. Any person or persons who shall dam up, or obstruct, or in any way injure any ditch, or drain, constructed or in process of construction, under the provision of this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than twenty-five, nor more than one hundred dollars, or imprisonment in the county jail not less than ten nor more than thirty days or both, and any person, or persons, so obstructing, or in any wise injuring, any ditch, or drain, constructed or in course of construction, under this act, shall be further liable to the person, or persons, owning, occupying, or possessing the swamp, wet, or overflowed lands, drained, or to be drained, by said ditch, in double the amount of damages that may be awarded in any competent court; and in case of a second, or other subsequent offense, by the same person, treble such damages.

SEC. 15. The county commissioners shall procure, at the expense of the county, a suitable record book, which shall be called the public ditch and drain record, in which shall be recorded all proceedings relating to the location, and construction, of such ditch, or drain, under the provisions of this act.

SEC. 16. The viewers shall receive for their duty three dollars per day, for each day necessarily employed in locating and estimating the cost of said ditch, or drain; the county surveyor shall receive five dollars per day, for each day employed, and the county auditor shall receive ten cents for each paper filed, and the usual fee for recording the same; and the county commissioners shall include in the cost of the construction of said ditch, or drain, all fees and costs allowed by this act, and assess the same against the property benefited.

SEC. 17. The words "ditch," or "drain," when used in this act, shall be held to include a ditch, drain, or watercourse, and application for any such improvement shall be held to include any side, lateral, spur or branch ditch, drain, or watercourse, necessary to be constructed, to secure the object of the improvement, whether the same is mentioned therein or not, and the word "applicant," when mentioned herein, shall be held to mean "applicant" or "applicants."

SEC. 18. The collection of taxes or assessments, levied or assessed, to pay for the location and construction of any ditch laid out and constructed under and by authority of this act, shall not be enjoined or declared void, in consequence of any error committed by the viewers, county auditor, or county commissioners, in the location and establishment thereof, nor by reason of an error, or technical informality, appearing in the petition on record of the proceedings.

SEC. 19. From and after the construction of a ditch, or drain, under the provisions of this act, and during the location and construc-

tion thereof, the county commissioners shall have full and supreme control thereof, subject to appeal to this district court, and may make, do, or have made, or done anything in regard thereto, which shall be just and reasonable.

SEC. 20. That section twenty-five hundred and sixteen, inclusive, of the code of Washington, and all acts and parts of acts in conflict with the provisions of this act, in relation to the subject matter hereof, be and the same are hereby repealed.

SEC. 21. This act shall take effect from and after its passage and approval.

Approved November 28, 1883.

AN ACT

PROVIDING FOR THE PROPER CONFINEMENT OF TERRITORIAL CONVICTS, APPOINT COMMISSIONERS AND LEVY A TAX TO BUILD A PENITENTIARY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the governor be, and he is hereby authorized, for and in behalf of the territory, to enter into a contract with William Billings, J. K. Smith and Oliver Shead for the confinement, custody and maintenance of all territorial convicts, under such restriction and limitations as are hereinafter stated, at Seatco, in Thurston county.

SEC. 2. Such contract shall be in force for the term of two years from the first day of July, 1884, and no longer, but the same shall be subject to renewal, unless otherwise provided by law.

SEC. 3. The said William Billings, J. K. Smith and Oliver Shead shall stipulate, in said contract, that they will properly confine all such territorial convicts, in the territorial penitentiary, at Seatco, aforesaid, according to their respective sentences during the period of their contract; and that they will, at their own cost and expense, furnish said convicts with proper food, clothing, bedding and all necessary medicine and medical attendance, and also furnish, at their own expense, all guards and other employes of said prison for the proper keeping of said convicts therein.

SEC. 4. The said contractors shall also, before the first day of July, 1884, each take an oath, before some officer authorized to administer oaths, that they will faithfully discharge the duties imposed upon them by the provisions of this act, which oaths shall be filed in the office of the secretary of the territory; and they shall each be liable to the same penalties and punishments in case of escape, prison breach, wilful inhumanity to or oppression of prisoners, as sheriffs, jailors and other officers are; and all laws and parts of laws defining such offenses and prescribing their punishment shall apply to such contractors as though they were public officers.

SEC. 5. The said contractors shall also, before the first day of July, 1884, execute a bond to the territory in the sum of five thousand dollars, with sufficient sureties, to be approved by the governor, conditioned for the faithful performance of all the conditions of their said contract, which bond, after approval, shall be filed in the office of the secretary of the territory.

SEC. 6. The said contractors shall receive from the territory, as a compensation, not to exceed the sum of seventy cents per diem, for each prisoner confined in said prison under the provisions of this act, payment to be made quarterly, upon presentation of their account, verified by the oath of the superintendent of said prison, and approved by the governor, to the territorial auditor, who shall draw his warrant on the treasury for the amount due. They shall also be entitled to receive and have all the proceeds of the labor of the convicts therein, and the profits and emoluments from the operation of said prison; and the said contractors shall transport, from the place of conviction to said prison, all territorial convicts who shall be sentenced during the term of said contract; and they shall receive therefor from the territorial treasury the sum of five hundred dollars, annually, and no more.

SEC. 7. Convicts shall be confined strictly within the enclosure of said prison, except in the day time when at work under the charge of a guard.

SEC. 8. The governor judge and prosecuting attorney, of the 2nd judicial district, auditor and treasurer of the territory, shall be *ex-officio* commissioners for the prison; and shall have power to prescribe such general rules for the discipline of the prison as they may deem necessary and proper, which rules shall be reasonable and in harmony with this act, and must be strictly obeyed by said contractors, their guards and employes. The said commissioners shall also inspect and visit the said prison not less than three times a year, and as often as they may deem it necessary.

SEC. 9. Every person convicted of any offense, punishable by law by imprisonment in the penitentiary, shall be sentenced by the court having jurisdiction to imprisonment in the prison provided for in this act, and shall be confined therein, and said prison for all purposes shall be deemed and held to be the penitentiary of the Territory of Washington, during the period of said contract.

SEC. 10. At the request of any minister of the gospel, in charge of any established congregation in the territory, the said contractors shall permit divine worship to be held in said prison, by such minister, as often as once each Sabbath day.

SEC. 11. No assignment of the said contract, or any interest therein, shall be held as binding without the written consent of said commissioners or a majority of them.

SEC. 12. In the event of the failure of the contractors to perform their said contract the said commissioners are authorized to contract with any other suitable persons for the keeping of said prisoners, under the limitations and restrictions of this act, which temporary contract shall be in force until the next ensuing meeting of the legislative assembly.

SEC. 13. The governor shall be chairman of the board of commissioners herein provided for. He shall convene all meetings of said board, of which three members shall constitute a quorum. A majority of the board shall be necessary to decide all matters before them.

SEC. 14. The governor shall appoint a suitable person as warden of said penitentiary, said appointment to be made by and with the consent of the prison commission. Said warden's duties shall be to see that the prisoners are properly confined, and that they are comfortably clothed, fed and not abused or over-worked, and provided with suitable sleeping apartments, and designate punishment, for violation of prison rules. Said warden, so appointed shall in no way be connected in said contract, and shall receive for his work the sum of \$600 per year, including board and lodging, said sum of money to be paid quarterly by said contractors. Said warden so appointed shall, before entering upon the duties of his office, execute a bond to the Territory of Washington in the sum of \$1000, with sufficient sureties to be approved by the board of prison commissioners and filed with the territorial treasurer for the faithful discharge of his duties. It shall be the duty of the warden, at the end of each month, to make out and file with the governor a statement in writing containing the names of all persons received, released, died or escaped from said prison during the month.

SEC. 15. That the present riveted shackle, now in use, be abolished as soon as shackles can be procured to take their place, and that the sum of two hundred and fifty dollars is hereby appropriated out of the territorial treasury and placed in the hands of the governor for the purchase of the Tower movable shackles, such as now in use in the prison, and the territorial auditor is hereby authorized to draw an order on the territorial treasurer, for the sum of two hundred and fifty dollars, in favor of the governor, for said purpose, upon his written application being filed for said amount.

SEC. 16. That for the years of 1884 and 1885, there shall be levied, assessed and collected, upon all the taxable property of the Territory of Washington, $\frac{1}{4}$ of one mill, to be known as the territorial penitentiary fund, to be used in constructing a territorial penitentiary.

SEC. 17. That the governor shall appoint three commissioners who shall constitute a board of penitentiary commissioners, and shall enter upon their duties on or before the first day of January, 1885. Said commissioners, before entering upon their duties, shall make and execute a sufficient verified bond, in the sum of \$500, with good and sufficient sureties, in favor of the Territory of Washington, and deposit the same with the territorial auditor for the faithful discharge of their duties as hereinafter provided.

SEC. 18. It shall be the duty of the commissioners to select a suitable place to locate said territorial penitentiary, taking into consideration central location, accessibility thereto by railroads and water. Said selection to contain 160 acres of land, with rock thereon, or adjacent thereto, suitable to build said penitentiary thereon, and to report location and price of land, with their recommendation and suggestions, upon the second day of the session of the next legislature.

SEC. 19. That said commissioners shall be required to meet on the first Tuesday of January, 1885, in the city of Vancouver, Washington Territory, and organize by the selection of one of said commissioners as president of the board and select one of their members as clerk thereof, and that said commissioners shall receive for their pay, for their services, the sum of five dollars per day, including mileage, at the rate of 10 cents per mile each way for actual travel to and from such meeting of the board, and in the discharge of their respective duties. They shall appoint their own time and place of meeting thereafter.

SEC. 20. That the sum of five hundred dollars, or so much thereof as is necessary, is hereby appropriated out of the territorial treasury, from moneys not otherwise appropriated, for the purpose of paying said commissioners for their per diem and mileage. And the territorial auditor is hereby authorized to draw warrants on the treasurer for the respective amounts, upon an itemized account of mileage and per diem being filed with said territorial auditor, signed by the president of said board of commissioners and countersigned by the secretary of said board.

SEC. 21. That any commissioner, appointed under this act, who shall enter into any agreement or collusion with any person or persons with intent to defraud the territory by any contract directly or indirectly to purchase land, or shall make any recommendation for the purchase of land to the legislature, with fraudulent intent, shall be deemed guilty of embezzlement, and upon conviction thereof shall be imprisoned in the penitentiary of the territory for a term of years not less than two nor more than ten years.

SEC. 22. That all acts and parts of acts in any manner conflicting with this act are hereby repealed.

SEC. 23. This act to take effect and be in force from and after its passage.

Approved November 28, 1883.

AN ACT

IN RELATION TO THE FISCAL YEAR, REPORTS OF OFFICERS, AND INCIDENTAL PRINTING OF THE TERRITORY OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the fiscal year of the Territory of Washington shall commence on the first day of July and end on the thirtieth day of June of each year.

SEC. 2. It is hereby made the duty of all county officers, who are required by law to make reports to any territorial officer or officers, to transmit such reports to the proper officers on or before the tenth day of July of each year.

SEC. 3. The territorial treasurer, superintendent and board of

trustees of the hospital for the insane, board of regents of the territorial university, pilot commissioners, librarian, and all other territorial officers appointed by the governor, shall transmit their biennial reports to the governor before July 15th, immediately preceding the commencement of each biennial session of the legislative assembly: *Provided*, That the territorial auditor and superintendent of public instruction shall be granted until the 31st day of the same month in which to report to the governor.

SEC. 4. It shall be the duty of the territorial auditor to publish, for four consecutive weeks, in the month of June, immediately preceding the biennial session of the legislature, in one newspaper in each judicial district of the territory, a notice to printers, calling for bids for the printing of the reports of the territorial officers; said bids to state the price per thousand ems for composition; the price per token of 250 impressions of eight page forms, press work; the weight, quality and price of paper, and the price for binding of said reports. There shall be printed 500 copies of each of the reports of the auditor, treasurer, superintendent, and board of trustees hospital insane; 1500 copies of the report superintendent of public instruction, including the necessary rules, blanks, forms and the school law; and 100 copies each of the other territorial reports.

SEC. 5. On the second Monday in July, next preceding the biennial session of the legislature, the territorial auditor shall, in presence of the territorial treasurer, proceed to open and examine the bids for the territorial printing, and the bid or bids of the lowest responsible publisher in the Territory of Washington shall be accepted, and the person or firm to whom the contract is awarded shall be required, before commencing the work, to give a good and sufficient bond to the territory in the sum of one thousand dollars, to be approved by the territorial auditor, conditioned for the faithful and prompt execution of the printing of said reports in a good and workmanlike manner, and to deliver the same to the territorial auditor on or before the first day of the biennial session of the legislature next ensuing.

SEC. 6. It shall be the duty of the governor, not later than ten days after he shall have received the reports of the territorial officers, as provided in section 3 of this act, to deliver the same, upon application, to the successful bidder for the printing of the same, provided the said bidder shall have executed and filed his bond as required in this act.

SEC. 7. When said reports shall have been printed and delivered to the territorial auditor, as provided in section 5 of this act, the said auditor shall deliver the said printed reports into the custody of the governor, to be transmitted by him to the legislative assembly.

SEC. 8. It shall be the duty of the territorial auditor to audit all bills and accounts in connection with the advertising for bids and in the printing and binding of said reports, as provided in section 4 of this act, as shall be found reasonable and just, and to draw warrants upon the territorial treasurer for the payment of the same.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. This act to take effect and be in force on and after its approval by the governor.

Approved Nov. 28, 1883.

AN ACT

TO AMEND SECTION TWO THOUSAND SIX HUNDRED AND FIFTEEN, CHAPTER TWO HUNDRED AND FOUR OF THE CODE OF WASHINGTON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section two thousand six hundred and fifteen of chapter two hundred and four of the code of Washington, relating to notaries public, be and the same is hereby amended so as to read:

“Section 2615. Every notary public shall be appointed for the territory in which he resides, and shall hold his office for four years, unless his appointment is sooner revoked; and all official acts heretofore done or performed by notaries public in any county in this territory, other than that in which they at that time resided, or for which their commissions issued, shall be valid and of full force and effect.” †

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF FRANKLIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Franklin county shall be and consist of all that territory of Whitman county bounded as follows, to-wit: Beginning at a point where the mid channel of the Snake river intersects that of the Columbia river and running thence up the Columbia river to a point where section line between sections 21 and 28, township 14 north, range 27 east, Willamette meridian, Washington Territory, strikes the main body of the Columbia river on the west side of the Island; thence east on said section line to township line between ranges 27 and 28 east; thence north on said range line to north boundary of township 14; thence east on said north boundary of township 14 to the Palouse river; thence down said river to the mid channel of Snake river; thence down said Snake river to place of beginning.

SEC. 2. That J. W. Schull, C. M. McBride and D. W. Owen are hereby appointed commissioners of said county of Franklin.

SEC. 3. That the county commissioners, above named, are hereby authorized within twenty (20) days after the approval of this act and upon ten days' notice, to qualify and enter upon the discharge of their duties, as such commissioners, and are hereby empowered to appoint all necessary county officers, necessary to perfect the organization of said county. And the county commissioners aforesaid, sheriff, auditor, and the other officers appointed shall hold their offices until the next general election, and until their successors are elected and qualified according to law.

SEC. 4. That the justices of the peace, constable, road supervisors and other precinct and school officers heretofore elected and qualified and now acting as such residing in that portion of Whitman county, which is, by the provisions of this act, included in the county of Franklin, are hereby continued as such officers in said county of Franklin until the next general election and until their successors are duly elected and qualified.

SEC. 5. That all taxes levied and collected for the year 1883, on the persons and property within the boundaries of Franklin county as herein described, shall be collected and paid to the treasury of Whitman county; the said county of Franklin to receive no part nor parcel thereof; nor shall the county of Franklin receive any part of the property of Whitman county: *Provided*, That nothing in this act shall deprive the county of Franklin of its just proportion of the school money.

SEC. 6. The county auditor of Franklin county is hereby authorized to take transcripts of all records, documents and other papers on file or of record in the office of the county auditor of Whitman county, which may be necessary to perfect the records of Franklin county. And for this purpose the auditor of Franklin county shall have free access to the records in the auditor's office of Whitman county, free of costs to the said county, and the certificates of the correctness of said records shall have the same legal effect as if made by the auditor of Whitman county.

SEC. 7. That all suits that have been commenced and are now pending in which Whitman county is a party, shall continue to be prosecuted or defended by said Whitman county; said Franklin county shall not be liable for any judgments or costs, nor receive any benefits or emoluments from any such suit or suits.

SEC. 8. The county of Franklin is hereby attached to Walla Walla for judicial purposes.

SEC. 9. The county of Franklin shall remain with Whitman county, for legislative purposes, unless otherwise provided for by a general apportionment bill.

SEC. 10. That the county seat of Franklin county is hereby located at the town of Ainsworth, until the next general election, when the question of county seat shall be submitted to the vote of the people, and the place receiving the largest number of votes shall be declared the permanent county seat of Franklin county.

SEC. 11. This act shall take effect and be in force on and after its passage and approval.

Approved Nov. 28, 1883.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF LINCOLN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all that portion of Spokane county, Washington Territory, described as follows: Beginning at the point in township no. 27 north, where the Colville guide meridian between ranges 39 and 40 east, Willamette meridian, intersects the Spokane river, and running thence south along said meridian line to the township line between townships numbered 20 and 21 north; thence west along said township line to its intersection with the Columbia guide meridian between ranges numbered 30 and 31 east, Willamette meridian; thence south along said meridian line to the township line between townships numbered 16 and 17 north; thence west on said township line to the range line, between ranges 27 and 28 east, Willamette meridian; thence south on said range line to the section line between sections numbered 24 and 25, in township no. 14 north, of range no. 27 east, Willamette meridian; thence west on said section line to the mid channel of the Columbia river; thence up said river in the middle of the channel thereof to the mouth of the Spokane river; thence up said Spokane river, in the middle of the channel thereof, to the place of beginning, shall be known, and designated as the county of Lincoln.

SEC. 2. That John Bartol, Edward D. Willis and John McGouvin are hereby appointed county commissioners of said county of Lincoln.

SEC. 3. The county commissioners, above named, are hereby authorized, within twenty days after the approval of this act, and upon ten days' notice, to qualify and enter upon the discharge of their duties as such commissioners, and are hereby empowered to appoint all necessary county officers, necessary to perfect the organization of said county; and the county commissioners aforesaid, sheriff, auditor, and the other officers appointed, shall hold their offices until the next general election, and until their successors are elected and qualified according to law.

SEC. 4. That the justices of the peace, constables, road supervisors, and other precinct and school officers, heretofore elected and qualified and now acting as such, residing in that portion of Spokane county, which is by the provisions of this act included in the county of Lincoln, are hereby continued as such officers in said county of Lincoln, until the next general election, and until their successors are elected and qualified.

SEC. 5. That all taxes levied and assessed for the year 1883, upon the persons and property within the boundaries of Lincoln county, as

herein described, shall be collected and paid to the treasurer of the county of Spokane, and shall thereafter be paid upon demand, according to assessment, to the treasurer of the county of Lincoln.

SEC. 6. The county auditor of Lincoln county is hereby authorized to take transcripts of all records, documents and other papers on file or of record in the office of the county auditor of Spokane county, which may be necessary to perfect the records of said Lincoln county, and for this purpose he shall have access to the records of said Spokane county without cost.

SEC. 7. The county seat of the county of Lincoln is hereby located at the town of Davenport temporarily, until the same shall be permanently located by a vote of the electors of said county at the next general election. At the next general election the permanent location of the county seat of Lincoln county shall be submitted to the qualified electors of said county, and the place receiving the majority of votes shall be the permanent county seat of Lincoln county.

SEC. 8. The county of Lincoln shall be attached to the county of Spokane for judicial and legislative purposes, until otherwise provided by law.

SEC. 9. This act shall take effect and be in force from and after its approval.

Approved November 24, 1883.

AN ACT

TO CREATE AND LOCATE THE COUNTY OF KITTITASS AND TO DEFINE THE BOUNDARIES THEREOF.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all that portion of Yakima county situated within Washington Territory and included within the following limits be, and the same shall be known as the county of Kittitass, viz: Commencing at a point where the main channel of the Columbia river crosses the township line between township fourteen and fifteen north, range twenty-three east, Willamette Meridian, and running west on said township, to the range line between townships eighteen and nineteen east; thence north on said line, six miles to the township line between townships fifteen and sixteen north; thence west on said township line to the Nachess river; thence northerly along the main channel of said river, to the summit of the Cascade mountains, or southwest corner of Pierce county; thence north along the eastern boundaries of Pierce, King and Snohomish counties to the main channel of the Wenachee river; thence down said river to the Columbia river; thence down the main channel of the Columbia to the place of beginning.

SEC. 2. That Robert N. Canaday, Samuel T. Packwood and C. P. Cooke are hereby appointed a board of county commissioners for the county of Kittitass, with all the powers as if regularly elected, who

shall hold their offices until the next general election and until their successors are elected and qualified; and said board of commissioners shall have power to select and appoint the remaining county officers, who shall serve until the next general election and until their successors are elected and qualified, for which purpose the county commissioners herein appointed shall meet at the county seat of Kittitass county, within forty days after the approval of this act, and appoint the necessary officers for said county, and perform such other duties and things necessary for a complete organization of the county of Kittitass.

SEC. 3. That the justices of the peace and constables who are now elected as such in the precincts of the county of Kittitass be, and the same are hereby, declared justices of the peace and constables of, and for the said county of Kittitass.

SEC. 4. That the county seat of said county of Kittitass is hereby temporarily located at Ellensburg, at which place it shall remain until located permanently elsewhere in said county by a majority of qualified electors thereof, and for which purpose a vote shall be taken at the next general election provided for by statute; and the officers of election shall receive said vote and make return thereof, to the commissioners, who shall canvass the same and announce the result in like manner as the result of the vote for county officers: *Provided*, That if there be not a majority vote in favor of such location of county seat at any one place at such general election, the qualified electors of the county shall continue to vote on that question at the next and each subsequent general election until some place receive such majority, and the place so receiving a majority of all the votes cast shall be declared the permanent county seat of said Kittitass county.

SEC. 5. That all laws applicable to the county of Yakima shall be applicable to the county of Kittitass.

SEC. 6. That all taxes levied and assessed by the board of county commissioners of the county of Yakima for the year A. D., 1883, upon persons or property within the boundaries of the said county of Kittitass, and all delinquent taxes heretofore due said county of Yakima shall be collected by its proper officers and paid into the treasury of said Yakima county, for the use of said county of Yakima: *Provided*, That the said county of Yakima shall pay all the just indebtedness of said Yakima county: *And Provided further*, That the county of Kittitass shall pay to the county of Yakima a just proportion of the net indebtedness of said Yakima county, the same to be determined as hereinafter provided.

SEC. 7. That the auditors of the counties of Kittitass and Yakima are hereby constituted a board of appraisers and adjusters of the real estate and other property of Yakima county, and if they can not agree, the auditor of Klickitat county shall act as umpire, and for this purpose shall meet at Yakima city on the second Tuesday in January, A. D., 1884; then and there they shall appraise the value of all public property, both real and personal, belonging to the county of Yakima, and said board of appraisers and adjusters shall then proceed to ascertain the net indebtedness of said county of Yakima, which shall be done as follows, viz.: Ascertain all the county justly owes in warrants, scrip or other

just debts, which amount shall constitute the gross indebtedness of said county, from which deduct the amount of the unpaid portion of the assessment roll of 1883, and the amount of all delinquent assessment rolls which are considered collectible up to that date, and the amount of all moneys and other credits due the county, also the value of all public property belonging to the said county of Yakima, and the balance so found shall constitute the net indebtedness of said county of Yakima: *Provided*, The real and personal property thus deducted shall be the property of Yakima county after division.

SEC. 8. That the net indebtedness of the said county of Yakima, as found above, be divided equally between the counties of Yakima and Kittitass, in proportion to the taxable property of said counties as it legally appears on the assessment roll for the year 1883, and the said county of Kittitass shall cause a warrant or warrants to be drawn upon its treasurer, payable to the county of Yakima out of any funds not otherwise appropriated, for its full share of such indebtedness: *Provided*, That if from any cause either or both of the above mentioned adjusters and appraisers fail or refuse to act as such, then, and in that case, the county auditors of the respective counties shall constitute a board of arbitrators and appraisers, and shall proceed as herein directed.

SEC. 9. That if the board of appraisers and adjusters as herein appointed shall not agree on any subject of value or settlement as herein stated, they shall choose a third man from an adjoining county to settle their differences, and their decision shall be final.

SEC. 10. That the compensation of the said board of appraisers and adjusters shall be four dollars per day each, for each and every day necessarily employed therein, and the counties of Yakima and Kittitass shall pay the same equally.

SEC. 11. That the county auditor of Kittitass county shall have access to the records of Yakima county, without cost, for the purpose of transcribing and indexing such portion of the records of property as belongs to the county of Kittitass, and his certificate of the correctness thereof shall have the same force and effect as if made by the auditor of Yakima county; it is hereby provided, however, that nothing in this section shall permit the record books of Yakima county to be removed from the office of its auditor.

SEC. 12. That the county auditor, for transcribing and indexing the records of Kittitass county, shall receive the sum of three dollars per day for each and every day so employed, to be paid by the county of Kittitass, and in addition to his yearly salary as hereinafter provided.

SEC. 13. That the county of Kittitass shall be attached to the county of Yakima for legislative purposes, and to the second judicial district for judicial purposes.

PAY OF COUNTY OFFICERS.

SEC. 14. That the county commissioners of the county of Kittitass shall receive the sum of four dollars per day each for each and every day necessarily employed in the service of said county, and ten cents per mile for each mile necessarily traveled to attend said county business. The auditor shall receive a yearly salary of three hundred dollars per

year, payable quarterly. The treasurer shall receive a yearly salary of one hundred and fifty dollars per year, payable quarterly. The sheriff shall receive the same fees as are allowed to sheriffs of other counties by the statutes of Washington Territory. The probate judge shall receive the regular fees of his office as prescribed by the laws of Washington Territory. The superintendent of public schools shall receive a yearly salary of forty dollars per annum, payable quarterly, and all other officers of the county shall receive the regular fees of their respective offices as prescribed by statute.

SEC. 15. That nothing in this act shall be so construed as to affect the just proportion of the school fund for the said county of Kittitass.

SEC. 16. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 17. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved November 24, 1883.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF ADAMS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That Adams county shall be and consist of all that territory of Whitman county, bounded as follows, to-wit: Beginning at the northwest corner of townshp 14 north, range 28 east of the Wilamette meridian; running thence north to the 4th standard parallel; thence east to the Columbia river guide meridian; thence north to the 5th standard parallel; thence east on said parallel to the line between the ranges 38 and 39; thence south on said line to where it intersects the Palouse river in township 16; thence down said river to where the line between townships 14 and 15 crosses said river; thence west on said line to place of beginning.

SEC. 2. That James G. Bennett, George Sinclair, Sr., and J. L. Johnson, are hereby appointed county commissioners of said county.

SEC. 3. That the county commissioners, above named, are hereby authorized within twenty days after the approval of this act, and upon ten days' notice, to qualify and enter upon the discharge of their duties as such commissioners, and are hereby empowered to appoint all necessary county officers necessary to perfect the organization of said county, and the county commissioners aforesaid, sheriff, auditor, and other officers appointed, shall hold their office until the next general election, and until their successors are elected and qualified according to law.

SEC. 4. That the justices of the peace, constables, road supervisors, and other precinct and school officers heretofore elected and qualified, and now acting as such, residing in that portion of Whitman county, which is, by the provisions of this act, included in the county of Adams, are hereby continued as such officers, in said county of Adams, until the next general election, and until their successors are duly elected and qualified.

SEC. 5. That the taxes levied and assessed for the year 1883, on the persons and property within the boundaries of Adams county, as herein described, shall be collected and paid to the treasurer of Whitman county, and after the indebtedness of said county has been settled, the treasurer of Whitman county, upon demand of the treasurer of Adams county, shall pay to him the *pro rata* share of said Adams county of the money remaining on hand, on the first Monday in May 1884, from said taxes actually collected for the year 1883: *Provided*, Said demand shall not be made before the first Monday of May 1884: *And, Provided further*, That said Adams county shall receive no part of the property of Whitman county: *Provided*, Nothing in this act shall exclude Adams county from its just proportion of its school money.

SEC. 6. The county auditor of Adams county is hereby authorized to take transcripts of all records, documents and other papers on file or of record in the office of the county auditor of Whitman county, which may be necessary to perfect the records of said Adams county, and for this purpose, the auditor of Adams county shall have free access without cost to the records and files in the office of said auditor of Whitman county, and the certificate of the auditor of said Adams county, of the correctness of all records and files so transcribed by him, shall have the same force and effect, as if made by the auditor of Whitman county.

SEC. 7. That all suits that have been commenced, or are now pending, in which Whitman county is a party, shall continue to be prosecuted or defended by said Whitman county. Said Adams county shall not be liable for any judgment or cost, nor receive any benefits or emoluments from any such suit or suits.

SEC. 8. The county of Adams shall be attached to Spokane county for judicial purposes.

SEC. 9. The county of Adams shall be attached to Whitman county for legislative purposes.

SEC. 10. The county seat of Adams county is hereby temporarily located at the town Ritzville, until the next general election, at which time the permanent location of the county seat shall be submitted to a vote of the people, and the place receiving the majority of votes cast shall be the permanent county seat of said Adams county.

SEC. 11. This act shall take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF DOUGLAS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all that portion of the county of Lincoln described as follows, to wit: Beginning at the point where the Columbia guide meridian intersects the Columbia river on the northern boundary of Lincoln county; and thence running south on said Columbia guide meridian to the township line between townships number sixteen and seventeen; thence running west on said township line to the range line between ranges twenty-seven and twenty-eight; thence south on said range line to the section line between sections 24 and 25 in township 14 north, range 27 east; thence west on said section line to the mid-channel of the Columbia river; thence up said channel of said river to the place of beginning, shall be known and designated as the county of Douglas.

SEC. 2. That J. W. Adams, H. A. Meyers and P. M. Corbaley, are hereby appointed county commissioners of said county of Douglas.

SEC. 3. The county commissioners, above named, are hereby authorized, within ninety days after the approval of this act, and upon ten days' notice by said commissioners, to meet at the county seat of said county, to qualify and enter upon the duties of their office; and the said commissioners are hereby authorized and empowered to appoint all county officers, including a county attorney, and justices of the peace, and constables, and all precinct officers. And said county commissioners, and the county and precinct officers, so appointed by them, shall hold their offices, and discharge the duties therefor, until the next general election, and until their successors are elected and qualified. And the said county and precinct officers shall receive for their services the same fees as are provided by the statutes of Washington Territory for other counties.

SEC. 4. The county seat of the county of Douglas is hereby located at the town of Okanogan, until the next general election, at which time the permanent location of the county seat shall be submitted to the qualified electors of said county, and the place receiving a majority of all votes cast at said election, shall be the county seat of said county.

SEC. 5. The county of Douglas shall be attached to the county of Lincoln for legislative and judicial purposes, until otherwise provided by law.

SEC. 6. All acts and parts of acts, in conflict with this act, are hereby repealed.

SEC. 7. This act shall take effect from and after its passage and approval.

Approved November 28, 1883.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF ASOTIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all that portion of Garfield county situated within Washington Territory, and included within the following limits, be, and the same shall be constituted and known as the county of Asotin, viz.: commencing at a point in the channel of Snake river on the township line between ranges forty-four (44) and forty-five (45); thence running south to the northwest corner of section thirty (30), township eleven (11) north, range forty-five (45) east, of the Willamette meridian; thence west six (6) miles; south one (1) mile; west two (2) miles; south one (1) mile; west one (1) mile to the northwest corner of section three (3) in township ten (10) north, of range forty-three (43) east, of the Willamette meridian; thence south eighteen (18) miles; thence west three (3) miles; thence south to the Oregon line; thence east on said line to the mid channel of Snake river; thence down the mid channel of Snake river to the place of beginning.

SEC. 2. That J. D. Swain, John Wisenfeldt, and William Chritchfield are hereby appointed a board of commissioners, with power to appoint the remaining county officers to serve until the next general election or until their successors are elected and qualified. For which purpose the county commissioners herein appointed shall meet at the county seat of Asotin county within thirty (30) days after the approval of this act, and appoint the necessary officers for said county, and perform such other acts and things necessary for the complete organization of the county of Asotin.

SEC. 3. That the justices of the peace and constables who are now elected as such in the precinct of the county of Asotin, be and the same are hereby declared justices of the peace and constables of the said county of Asotin.

SEC. 4. That the county of Asotin is hereby united to the county of Garfield for judicial and legislative purposes.

SEC. 5. That all the laws applicable to the county of Garfield shall be applicable to the county of Asotin.

SEC. 6. That the county seat of the said county of Asotin is hereby temporarily located at Asotin, which, in this connection, shall mean the town of Asotin or Asotin City, at which place it shall remain until located permanently elsewhere in said county by a majority of qualified electors thereof, and for which a vote shall be taken at the next general election, viz.: On the Tuesday next following the first Monday in November, A. D., 1884, and the officers of election shall receive said vote and make return thereof to the commissioners, who shall canvass the same and announce the result in like manner as the result of the vote for county officers: *Provided*, That if there be not a majority vote in favor of such location of county seat at any one place at such election, the qualified electors of the county shall continue to

vote on that question at the next and each subsequent general election until some place receives such majority, and the place, so receiving a majority of all the votes cast, shall be declared the permanent county seat of said Asotin county.

SEC. 7. That all the taxes levied and assessed by the board of county commissioners of the county of Garfield for the year 1883, upon persons or property within the boundaries of the said county of Asotin, shall be collected and paid into the treasury of said Garfield county for the use of said county of Garfield; *Provided, however,* That the said county of Garfield shall pay all the just indebtedness of said Garfield county, and that when such indebtedness shall be wholly paid and discharged, all moneys remaining in the treasury of said Garfield county, and all credits due, and to become due, said county of Garfield on the assessment roll of said year, shall be divided between said counties of Garfield and Asotin, according to the usual valuation of said property of the said year: *Provided, further,* That nothing in this act shall be so construed as to deprive the county of Asotin of its proportion of the tax levied for common school purposes for the above named year.

SEC. 8. The county of Garfield shall pay to the county of Asotin the sum of one hundred and fifty dollars (\$150), over and above the amount provided for in this act, for its interest in the public property and improvements.

SEC. 9. The auditor of Asotin county shall have access to the records of Garfield county, without cost, for the purpose of transcribing and indexing such portions of the records of property as belong to Asotin county; and his certificate of the correctness thereof shall have the same force and effect as if made by the auditor of Garfield county. It is hereby provided, however, that nothing in this act shall permit the record books of Garfield county to be removed from the office of its auditor.

SEC. 10. The salaries of the county officers of Asotin county shall be as follows, viz.: Auditor, four hundred dollars (\$400) per annum; treasurer, three hundred dollars (\$300) per annum; probate judge, one hundred and fifty dollars (\$150) per annum; school superintendent, forty dollars (\$40) per annum; county commissioners, four dollars (\$4) per day each, while at work on their official duties; and these salaries shall be their full compensation from the county treasury, and be in lieu of all other fees from the county.

SEC. 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage and approval.

Approved October 27, 1883.

AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF SKAGIT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That all that portion of the county of What-

com, in the Territory of Washington, lying and situate south of the dividing line between townships thirty six and thirty-seven, (commencing at midchannel of the Rosario straits and running eastward to the summit of the Cascade range of mountains), to the dividing line between said county of Whatcom and the counties of Island and Snohomish be, and the same is hereby, organized into a separate county, to be known and designated as the county of Skagit: *Provided*, That so much of Lummi and Eliza islands as lie south of the dividing line between said townships thirty-six and thirty-seven shall belong to Whatcom county.

SEC. 2. That H. P. Douns, F. E. Gilkey and H. A. March are hereby appointed a board of commissioners to call a special election for county officers for said Skagit county, and to appoint the necessary judges and inspectors thereof. Said election shall be held on the second Tuesday in January, A. D., 1884, and notice thereof shall be published in one or more newspapers within the present limits of Whatcom county, for at least four consecutive weeks. Said election shall be conducted and returns thereof made as is now provided by law: *Provided*, That the returns shall be made to the commissioners aforesaid, who shall canvass the returns and declare the result, and issue certificates of election to the persons so elected to the several county offices of said Skagit county within ten days after the date of said election.

SEC. 3. That the justices of the peace and constables, school and road district officers, who are now elected as such in the precincts of Whatcom county hereby set apart as Skagit county, be, and the same are hereby, declared justices of the peace and constables, school and road district officers of Skagit county.

SEC. 4. That the district court, now established and holding terms at La Conner for the territory embraced within the present limits of Whatcom county, shall continue at La Conner as the district court for Skagit county; and the county of Whatcom is hereby annexed to said Skagit county for judicial and legislative purposes, and all laws at present applicable to the county of Whatcom, relative to the powers and jurisdiction or otherwise of said district court, shall continue in full force and effect the same as if said county had not been divided, and the title of said county changed as herein provided.

SEC. 5. That the county seat of said Skagit county is hereby temporarily located at La Conner, at which place it shall remain until located permanently elsewhere in said county, by vote of the qualified electors thereof; for which purpose a vote shall be taken at the next general election in 1884, and the officers of election shall receive said vote and canvass the same and announce the result in like manner as the result of the vote for county officers, and the place receiving the highest number of votes cast shall be declared the permanent county seat of the said county of Skagit: *Provided*, That until such permanent location of the county seat, the board of county commissioners shall erect no public buildings, but shall rent or lease such rooms for county offices as may be necessary for the public service.

SEC. 6. That all taxes levied and assessed by the board of county commissioners of the county of Whatcom for the year 1883, upon per-

sons or property within the boundaries of the county of Skagit, shall be collected and paid into the treasury of said Whatcom county for the joint use of the counties of Whatcom and Skagit as hereinafter provided.

SEC. 7. That the county auditors of Whatcom and Skagit counties are hereby constituted a board of appraisers and adjusters of the real and other property of the county of Whatcom, and for this purpose shall meet at Whatcom on the first Monday of February, 1884. They shall appraise the value of the court house, safes and real estate of the county, and ascertain the balance in the county treasury, over and above the outstanding warrants upon said treasury at that date, and shall award to the county of Whatcom one half and to the county of Skagit one-half of such property and funds so appraised and ascertained: *Provided*, That if both auditors can not agree upon the appraised valuation of such property, they shall elect a citizen from an adjoining county as arbitrator to adjust the difference between them. Then the auditor of Whatcom county shall draw a warrant on the treasury of said county in favor of the said county of Skagit for the amount so agreed upon as its proportion of the property: *Provided further*, That all taxes remaining unpaid upon property within the boundaries of Skagit county at the date of the settlement herein provided for, shall be turned over to the auditor of Skagit county, to be collected by the proper officer of said county as now provided by law.

SEC. 8. The several county officers, to be elected at the special election provided for in this act, shall qualify by taking the oath of office within ten days after the date of their certificate of election so issued, and shall give bond for the faithful performance of their duties, subject to the approval of the board of county commissioners of said Skagit county, as is now provided by law, and shall hold office until their successors are elected and qualified at the next general election.

SEC. 9. The board of county commissioners, to be elected under the provisions of this act, shall hold their first quarterly meeting on the first Monday in February, A. D., 1884, any two of whom shall constitute a quorum for the transaction of business. The said board shall have power to fill all vacancies occurring in said board, or in any county office of said county of Skagit, by reason of failure to qualify or otherwise in the manner provided by the general laws of the territory: *Provided*, That the board of county commissioners and other officers of Whatcom county shall continue to exercise and perform their respective duties for both Whatcom and Skagit counties, the same as if not divided, until their successors for Skagit county shall have been elected and qualified as herein provided: *Provided further*, That the board of county commissioners of Whatcom county shall have power to fill all vacancies by reason of the resignation or withdrawal of any officer of said county residing within the precincts or boundary of Skagit county hereby set apart.

SEC. 10. The auditor of Skagit county shall have access to the records of Whatcom county for the purpose of transcribing and indexing such portions of the records of property as belongs to Skagit county without cost, and his certificate of the correctness thereof shall have the

same force and effect as if made by the auditor of Whatcom county.

SEC. 11. The counties of Whatcom and Skagit shall continue in their relation to the counties of Snohomish, Island and San Juan in the matter of legislative districts until otherwise provided by law.

SEC. 12. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

FOR THE PROTECTION OF FISH AND GAME.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That every person who shall, within the Territory of Washington, between the first day of January and the 15th day of August, from and after the passage of this act, pursue, hunt, take, kill or destroy any deer or fawn, shall be deemed guilty of a misdemeanor. Every person who, after the passage of this act, shall take, kill or destroy any deer at any time, unless the carcass of such animal is used or preserved by the person slaying it, or is sold for food, is guilty of a misdemeanor. Every person who, after the passage of this act, shall hunt or pursue deer with a dog or dogs, in the counties of Thurston, Cowlitz, Whatcom, Island or Lewis, shall be guilty of a misdemeanor.

SEC. 2. Every person who buys, sells, or has in possession any deer or fawn within the time the taking or killing thereof is prohibited, except such as are tamed or kept for show or curiosity, is guilty of a misdemeanor.

SEC. 3. Every person who shall, within the Territory of Washington, between the first day of January and the fifteenth day of August of each year, hunt, pursue, take, kill or destroy any elk, moose, or mountain sheep, shall be guilty of a misdemeanor. Every person who takes, kills, injures or destroys, or pursues with intent to take, kill, injure or destroy any elk, moose or mountain sheep, at any time for the sole purpose of obtaining the skin, hide, hams or cutlets of any such animal, shall be guilty of a misdemeanor.

SEC. 4. Every person who shall, within the Territory of Washington, between the first day of April and the 15th day of August of each year, take, kill, injure or destroy, or have in possession, sell or offer for sale any wild swans, mallard duck, wood duck, widgeon, teal, butter ball, spoonbill, gray, black, sprigtail or canvas back duck shall be guilty of a misdemeanor: *Provided,* That any person may kill on his own premises ducks or deer at any time to protect his growing crops.

SEC. 5. Every person who shall, within the Territory of Washing-

ton, between the first day of January and the 15th day of August of each year, for any purpose take, kill, injure or destroy, or have in possession, sell or offer for sale, any prairie chicken or sage hen shall be guilty of a misdemeanor.

SEC. 6. Every person who shall, within the Territory of Washington, between the first day of January and the first day of August of each year, take, kill, injure or destroy, or have in possession, sell or offer for sale any grouse, pheasant, or partridge, shall be guilty of a misdemeanor.

SEC. 7. Every person who shall, within the Territory of Washington, during the months of November, December, January, February and March of any year, catch, kill, or have in possession, sell or offer for sale, any mountain or brook trout, shall be guilty of a misdemeanor. Every person who shall, within the Territory of Washington, take or attempt to take, or catch, with any seine, net, weir, or other device than hook and line, any mountain, brook or bull trout at any time after the passage of this act, shall be guilty of a misdemeanor.

SEC. 8. Every person who shall, within the Territory of Washington, at any time after the passage of this act, trap, net or ensnare or attempt to trap, net or ensnare any variety of quail, prairie chicken, grouse or pheasant, except for the purpose of propagating the same, or who shall in any county east of the Cascade range of mountains prior to the year eighteen hundred and eighty-seven, kill any variety of quail shall be guilty of a misdemeanor.

SEC. 9. Every person who shall, within the Territory of Washington, at any time after the passage of this act, destroy or remove from the nest of a mallard duck, widgeon, wood duck, teal, butter ball, spoonbill, gray, black, sprigtail or canvas back duck, prairie chicken or sage hen, grouse, pheasant, quail, partridge or other wild fowl any egg or eggs, or willfully destroy the nest of any such fowls or birds, shall be guilty of a misdemeanor.

SEC. 10. Every person who shall, within the Territory of Washington, have any male deer or buck, or any female deer or doe, or spotted fawn, elk, moose, or mountain sheep, swan, mallard duck, wood duck, widgeon, teal, butter ball, spoonbill, gray, black, sprigtail or canvas back duck, prairie chicken, or sage hen, grouse, pheasant, quail, bob white or partridge, mountain or brook trout, at any time when it is unlawful to take or kill the same as provided in this act, shall be guilty of a misdemeanor, and proof of possession of any of the aforesaid animals, fowls, birds or fish, at a time when it is unlawful to take or kill the same in the county where the same is found shall be prima facie evidence in any prosecution for a violation of any provision of this act, that the person or persons in whose possession the same is found, taken, killed or destroyed the same in the county wherein the same is found, during the period when it was unlawful to take, kill or destroy the same.

SEC. 11. Every person who shall, within the Territory of Washington, take, kill, shoot at, maim or destroy any mallard duck, wood duck, widgeon, teal, butter ball, spoonbill, gray, black, sprigtail or canvas back duck, at any time between the hours of 8 P. M., and 5 A. M., shall be guilty of a misdemeanor.

SEC. 12. Every person who shall use any sink box on any lake or river, or other waters in Washington Territory, for the purpose of shooting ducks or geese or other water fowls therefrom, or who shall use any batteries or swivel or pivot gun on boats, canvas, rafts or other device at any time, for the purpose of killing any water fowl within the limits of Washington Territory, shall be guilty of a misdemeanor.

SEC. 13. Every person convicted of the violation of any of the provisions of this act shall be punished by a fine of not less than ten dollars and not more than three hundred dollars, or imprisonment in the county jail of the county where the offense was committed, for not less than five days nor more than three months, or both such imprisonment and fine. One-half of all money collected for fines for violation of the provisions of this act shall be paid to informers, and one-half to the prosecuting attorney in the district in which the case is prosecuted.

SEC. 14. All acts and parts of acts in conflict herewith are hereby repealed.

Approved November 27, 1883.

AN ACT

TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF SCHOOL LAW IN PAMPHLET FORM.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the public printer be, and he is hereby, authorized under the direction of the territorial auditor to print, at the expense of the territory, three thousand copies of the school law, of this territory, in pamphlet form for the use of the several counties in this territory. Appended to such school law, shall also be published such rules and regulations as shall have been adopted for the government of schools and teachers by the board of education.

SEC. 2. Said school laws shall be printed immediately after the adjournment of the present session of the legislative assembly and, as soon as possible thereafter, the territorial auditor shall distribute the same at the expense of the territory among the various counties in proportion to the population and number of school districts in each county.

SEC. 3. Upon the delivery, by the public printer, of said laws to the territorial auditor he shall audit the account for the same and draw a warrant on the territorial treasurer in payment for such amount as shall be found to be due.

SEC. 4. It shall be the duty of the auditor of the several counties to deliver one copy to each school officer upon his application for the same, and distribute the rest among the teachers and citizens of the county.

SEC. 5. This act shall take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

TO PROTECT THE RING NECK MONGOLIAN PHEASANT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That it shall not be lawful for any person within the Territory of Washington, for and during the term of four years from and after the passage of this act, to injure, take, kill, expose or offer for sale, any ring neck Mongolian pheasant, being the species of pheasant recently introduced into said territory.

SEC. 2. Any person violating the provisions of this act, shall, upon conviction thereof before any justice of the peace in said territory, be fined in any sum not less than ten nor more than one hundred dollars.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved November 13, 1883.

AN ACT

TO APPROPRIATE MONEY FOR TERRITORIAL INCIDENTAL EXPENSES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of five hundred dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the territorial treasury not otherwise appropriated for territorial incidental expenses of the executive office: *Provided,* That no portion of the sum mentioned be expended for the purchase of blanks already provided in C. B. 91.

SEC. 2. The territorial auditor is hereby authorized to draw warrants on the territorial treasurer, to an amount not exceeding five hundred dollars, on presentation to him of vouchers duly certified by the governor, that the amount has been expended for territorial incidental expenses.

SEC. 3. The territorial treasurer is hereby authorized to pay such warrants upon presentation, out of any money not otherwise appropriated.

SEC. 4. This act to take effect and be in force from and after its passage and approval.

Approved Nov. 28, 1883.

AN ACT

IN RELATION TO THE PURCHASE OF SAFES FOR THE USE OF THE TERRITORIAL OFFICERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of one thousand dollars be appropriated out of any money in the territorial treasury not otherwise appropriated to purchase a new fire and burglar proof safe in accordance with plans submitted by the territorial treasurer. And that the safe now in the office of the treasurer be exchanged for a new safe suitable for the office of the territorial auditor. That the safe now in use by the auditor be placed in the office of the clerk of the supreme court for the use of said office.

SEC. 2. On the receipt and acceptance by the auditor and treasurer of the safes mentioned in section 1 of this act, it is hereby made the duty of the territorial auditor to draw a warrant in favor of the company or their authorized agent, furnishing the said safe for the sum of one thousand dollars, and the further sum of one hundred dollars or as much thereof as is necessary for the purpose of placing the said safes in the offices herein mentioned.

SEC. 3. This act to take effect from and after its approval.

Approved November 24, 1883.

AN ACT

APPROPRIATING MONEY TO PAY FOR INSURANCE OF THE CAPITOL BUILDING AND LIBRARY.

SECTION 1. That the following amounts be and the same are hereby appropriated out of any money in the territorial treasury not otherwise appropriated for the purposes herein named, to-wit: \$150 to insure the capitol building and library of the Territory of Washington.

SEC. 2. The governor of the Territory of Washington is hereby authorized and empowered to contract with some reliable fire insurance company at as low rates as possible for the insurance of the capitol building and library of the Territory of Washington.

SEC. 3. The territorial auditor, upon the written order of the governor, stating the amount and to whom due, and duly certified to, shall draw a warrant on the territorial treasurer for such amount and in favor of the party therein stated.

SEC. 4. This act to be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

TO SUPPLY DEFICIENCIES IN THE APPROPRIATION FOR THE HOSPITAL FOR THE INSANE FOR THE FISCAL YEARS 1882, 1883.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of twelve hundred and eighty-eight dollars and eighty-three cents, or so much thereof, as may be necessary, be appropriated out of the territorial treasury, to supply deficiencies in the appropriation for the hospital for the insane, for the fiscal year 1882, and the fiscal year 1883, as reported by the territorial auditor.

SEC. 2. The territorial auditor shall draw his warrants on the territorial treasurer, in favor of the persons named in said report, for the sums found to be due them respectively, which warrants shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved November 23, 1883.

AN ACT

TO APPROPRIATE MONEY TO PURCHASE A FLAG.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the territorial auditor be, and is hereby, authorized to purchase, for the use of the capitol, a twenty-two foot flag.

SEC. 2. That the sum of fifty dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the territorial treasury to pay for said flag.

SEC. 3. That the territorial auditor is hereby instructed to draw a territorial warrant in favor of himself for said sum, and the territorial treasurer is instructed to pay the same out of any money in the treasury not otherwise appropriated.

SEC. 4. This act to take effect and be in force from and after its approval.

Approved October 28, 1883.

AN ACT

TO APPROPRIATE MONEY FOR THE UNIVERSITY OF WASHINGTON TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of three thousand dollars is hereby

appropriated out of any moneys in the territorial treasury not otherwise appropriated, for the purpose of paying salaries of teachers and supporting the territorial university of Washington Territory for the year ending upon the thirty-first day of December, in the year of our Lord, one thousand eight hundred and eighty-four, and the sum of three thousand dollars more is hereby appropriated for the purpose of paying the salaries of teachers and supporting the said territorial university out of any moneys in the territorial treasury not otherwise appropriated, for the year ending upon the thirty-first day of December, in the year of our Lord, one thousand eight hundred and eighty-five.

SEC. 2. This act to take effect from and after its approval by the governor.

Approved October 31, 1883.

AN ACT

TO AMEND CHAPTER CCVII OF THE CODE OF WASHINGTON TERRITORY, RELATIVE TO THE INSPECTION AND MEASUREMENT OF LOGS AND THE FORMATION OF LUMBER DISTRICTS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That chapter CCVII of the code of said territory be amended to read as follows:

Section 2639. For the purpose of inspecting and regulating the measurement of logs, lumber districts are established as follows: The territory embraced in the counties of Whatcom, Island and Snohomish, shall constitute the first district; the territory embraced in the county of King, shall constitute the second district; the territory embraced in the counties of Kitsap and Pierce, shall constitute the third district; the territory embraced in the counties of Mason, Jefferson, Clallam and San Juan, shall constitute the fourth district; the territory embraced in the counties of Thurston, Lewis and Chehalis, shall constitute the fifth district; the territory embraced in the counties of Cowlitz, Pacific and Wahkiakum, shall constitute the sixth district; the territory embraced in the counties of Clarke, Skamania, Yakima and Klickitat, shall constitute the seventh district; the territory embraced in the counties of Walla Walla, Columbia and Garfield, shall constitute the eighth district; the territory embraced in the counties of Whitman, Stevens and Spokane, shall constitute the ninth district.

Section 2640. The governor shall appoint an inspector for each of said lumber districts, who shall be styled Lumber Inspector of District No.—(designating the district). Such inspector shall, at the time of his appointment, be a citizen of this territory and reside within the lumber district for which he is appointed; his term of office shall be for two years, and shall commence on the first Monday of January next following his appointment, and he shall hold until his successor is appointed and qualified, unless removed as hereinafter provided. Va-

cancies in the office of lumber inspector shall be filled by appointment for the unexpired term.

Section 2641. The governor shall have the power, and it is hereby made his duty, upon receiving a petition in writing, signed by five master loggers of the lumber district in which the lumber inspector resides, complaining of the wrongful acts of such inspector or his deputies, to investigate such charges, and in his discretion to remove such inspector, and to appoint a successor for such inspector. A master logger is one who works three or more yoke of cattle, and employs three or more men in the business of getting out saw logs, spars and like timber.

Section 2642. Each lumber inspector and each deputy lumber inspector shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge and ability. Each lumber inspector shall execute, to the Territory of Washington, a bond, with three or more sureties, to be approved by the judge of the district court, in whose judicial district the said lumber district is situated, in the sum of five thousand dollars, conditioned that he and his deputies will faithfully perform their duties as lumber inspectors of district No.—(designating the district), and if said lumber inspector or his deputy shall fail to keep the conditions of said bond, then the person, aggrieved by his or their wrongful or unlawful act, shall have a right of action against said inspector and the sureties on said bond, and they shall be liable on said bond for any judgment recovered in such action, to the amount of the penalty of such bond.

Section 2643. The governor shall designate the place in which lumber inspectors shall keep their offices, at the time he appoints such inspectors.

Section 2644. Each inspector shall have the right to appoint one or more deputy lumber inspectors for his district, and he and his bondsmen shall be held responsible on their official bond for the acts of such deputies in the discharge of their official duties.

Section 2645. All logs bartered or sold in the districts aforesaid shall be scaled and measured at the place where they are boomed or rafted ready for towage to market or mill.

Section 2646. No logs shall be towed from the place where they are boomed or rafted and required to be scaled and measured as provided for in the preceding section unless the owner or owners thereof, or some one in their behalf have caused the same to be measured, scaled and inspected by the lumber inspector or one of his deputies of the district in which such logs are boomed or rafted for towage as aforesaid. All persons violating this section, by removing the said logs before they are scaled and measured, as herein provided for, or by aiding in the removal of the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall, for each offense, be fined in any sum not less than five hundred nor more than two thousand dollars, and they shall stand committed until such fine and the costs of prosecution are paid.

Section 2647. On the scaling and measurement of saw logs, the inspector or his deputy making the same, shall make out a bill, stating therein the number of logs, the number of feet, board measure,

contained in such logs, and at whose request, and by whom the same were scaled or measured, a copy of which he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks, if any, as they occur upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached, that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained, and of the correctness of such scaling or measurement, in all the courts of this territory, except in favor of the inspector or deputy inspector, who made the same.

Section 2648. Each lumber inspector and his deputies shall, in scaling or measuring logs, make such allowance for hollow or crooked logs as would make them equal to good, sound straight and merchantable logs; and all logs shall be measured under and in accordance with the rule herein provided. Each lumber inspector shall require of each of his deputies at the end of each month a correct account of all the logs measured or scaled by him during the month next preceding, and he shall immediately enter such accounts upon the books of his office. The scale and rule by which the quantity of logs shall be determined, is the rule laid down and prescribed in Scribner's lumber and log book, as copy-righted in 1882 by George W. Fisher, of Rochester, New York.

Section 2649. Each lumber inspector or his deputy, shall receive and collect, from the person employing them for measuring and scaling logs and similar timber, as herein provided, the following fees: For every boom or raft not exceeding three hundred thousand feet, five cents per thousand; and for all booms or rafts over three hundred thousand feet, three and a half cents per thousand. One-half of one per cent. of the fee paid to the inspector or his deputies, as herein provided, shall be for the benefit of the common school fund of the counties in which the lumber districts are situated, and shall be given to the county in which the logs were cut.

Section 2650. When any logs, cut boomed or rafted in any of the lumber districts herein designated, shall have been scaled or measured, as herein provided, the scale bill of such measurement, made and certified as herein provided, shall be delivered to the owner of the logs scaled or measured, and it shall constitute the basis by which the quantity of such logs shall be determined.

Section 2651. The fines recovered under the provisions of this act shall be for the benefit of the common school fund of the Territory of Washington; and such fines shall be assigned and paid to the counties in which the logs were cut.

Section 2652. This act shall be in lieu of chapter CCVII of the code of Washington Territory, relative to the measurement of logs and the formation of lumber districts, and the same is a repeal of said chapter.

Section 2653. This act to take effect and be in force from and after its passage and approval by the governor.

Approved November 26, 1883.

LOCAL AND PRIVATE LAWS.

LOCAL AND PRIVATE LAWS.

AN ACT

TO INCORPORATE THE CITY OF OLYMPIA.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* The corporate limits of the city of Olympia and the boundaries thereof shall be as follows: Begin at the northeast corner of northwest quarter of section 25, township 18 north, range 2 west; run thence north on subdivisional line to north boundary of Q. A. Brooks' donation claim; thence west to the west shore of Budd's Inlet; thence with the meanders of Budd's Inlet south to where section line between sections 3 and 4, in township 18 north, range 2 west, intersects the said Inlet; thence south to the northwest corner of section 27, in township 18 north, range 2 west; thence east to the place of beginning; all situated in Thurston county, Washington Territory.

SEC. 2. The inhabitants of the city of Olympia, within the limits herein described, shall be, and they are hereby, constituted a body politic and corporate in fact and in law, by the name and style of the "city of Olympia," and by that name and style they and their successors shall be known in law, having perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions, suits or proceedings whatever, contract and be contracted with, have and use a common seal and alter and change the same at pleasure, receive property, real and personal within said city, for public buildings, public works and city improvements, and may dispose of the same in any manner for the benefit of the city, and may purchase property without the limits of the city to be used for burial purposes, or for the establishment of a hospital for the reception of persons infected with contagious diseases.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Olympia shall have power to assess, levy and collect taxes, for general municipal purposes, not to exceed one half of one per centum per annum upon all property, both real and personal,

within the city limits, which is by law taxable for territorial and county purposes, and to levy and collect special taxes for special purposes on all of said property; but all taxes for general, municipal and special purposes, exclusive of assessments for improvements, as in this act is hereinafter provided, shall not exceed in any year one and one-half per centum per annum on the property assessed: *Provided*, That all ordinances providing for the payment of money for existing debts, to incur a debt, or for the making of improvements of any kind, must specify the object thereof and the estimated amount thereof: *And provided further*, That the indebtedness of the city must never exceed in the aggregate the sum of (\$10,000) ten thousand dollars, and any debt or liability incurred in excess of said sum of ten thousand dollars, shall be invalid and void.

SEC. 4. The city of Olympia shall have power to make regulations for the prevention of accidents by fire, to organize and establish a fire department, and make and ordain rules for the government of the same, to provide fire engines and other apparatus, and to levy and collect special taxes for that purpose not to exceed in any one year one-fifth of one per centum upon the taxable property within the corporate limits of the city.

SEC. 5. The city of Olympia shall have power to purchase or condemn, and enter upon and take any land within its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, and within or without such limits, to be used for work houses or houses of correction, or any other proper and legitimate municipal purposes, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per centum in any year. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use, by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the same manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 6. The city of Olympia shall have power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance, and for the erection or construction of such works as may be necessary or convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within such districts or limits benefited by such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this section, and all such taxes shall be assessed upon and collected only from property within said districts or limits, and is authorized to contract with any person, firm or corporation for the furnishing of such lights for any term not exceeding twenty-five years.

SEC. 7. The city of Olympia shall have power to provide for clearing, opening, grading, graveling, improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any cross or sidewalk; also to regulate cellar ways, cellar lights, and sidewalks within the city, and to provide for cleaning the streets, and for constructing sewers, and cleaning and repairing the same; and shall have power to assess, levy and collect each year, a road poll tax of not less than four nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except active or exempt firemen and persons that are a public charge; also a special tax on property of not less than two, nor more than six mills on every dollar's worth of property within the corporate limits of the city, which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the county of Thurston or the officers thereof, any road tax or road poll tax or bridge tax upon the property or inhabitants within the city: *Provided*, That in the grading of any street the city council shall remove the earth from line to line the full width of the street.

SEC. 8. The city of Olympia shall have power to construct and repair sidewalks, and to curb, pave, grade, gravel and gutter any street or streets, highway or highways, alley or alleys, within the city or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expense of construction of said sidewalks and graveling or paving said streets and alleys, and for that purpose may establish assessment districts, consisting of the whole, or any portion, of such street or streets, highway or highways, alley or alleys, or of several streets, highways and alleys as may be deemed advisable. But unless the owners of more than one-half of the property, subject to assessment for such improvement, petition the council to make the same, such improvement shall not be made until two-thirds of all the members of the council by vote authorize the making of the same.

SEC. 9. The city of Olympia shall have power to cause any lot of land within the city limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause any vault upon any lot or block within the city to be cleaned, when necessary, and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council with reference to such matters after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be recovered against the owner of said property by an action at law as for debt.

SEC. 10. The city of Olympia shall have power to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect

assessments upon all property benefited by any change or improvements authorized by this section, to be applied on compensation of property so condemned or damaged, or to authorize or prevent the location and laying down of railway tracks and street railways on all streets, alleys and public places, and no railway track can thus be laid down until the injury to property abutting upon the street, alley or public place upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section 113 of this act.

SEC. 11. The city of Olympia shall have power to grant the right to any persons, companies or corporations to erect and maintain water works for the purpose of furnishing the city with water, and may make such grants to inure for a term of not more than twenty five years, and may authorize such persons, companies or corporations to charge and collect from each individual, supplied with water, such water rent as may be agreed upon between the city and the persons, corporation or companies. And the city of Olympia is hereby empowered to enter into an agreement with any person, company or corporation owning or constructing such water works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sums as may be agreed upon between said contracting parties; and may enact all ordinances necessary to protect such water works from injury and the water from pollution.

SEC. 12. The city of Olympia shall have power to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame, dance houses or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling; to regulate the transportation, storage and sale of gun powder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent, by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein; to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire arms, fire-crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; to compel all persons erecting or maintaining privies and cesspools within one hundred feet of any street in which a sewer has been or may hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, and laying of gas and water mains, the construction of telegraph lines, or wires for electric lights or other purposes, the building or repairing of sewers and the erection of gas lights; to reg-

ulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other purposes, to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues, to provide for cleaning and sprinkling of the streets and avenues, and to punish those who shall refuse so to do; and to prohibit persons from roaming the streets at unreasonable hours.

SEC. 13. The city of Olympia shall have power to suppress and prohibit the keeping of places, houses or rooms where either male or females, adults or minors are permitted to indulge in the habit of smoking opium, and to provide by ordinance for the summary closing of such places, houses or rooms.

SEC. 14. The city of Olympia shall have power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbances or any unlawful or indecent practices, and to define what shall constitute the same.

SEC. 15. The city of Olympia shall have power to make regulations and to pass ordinances to prevent animals from running at large within said city limits, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceeding, or to authorize their destruction.

SEC. 16. The city of Olympia shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire, or for the transportation of persons or property for hire, and to prescribe and fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers; to license, regulate or restrain drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of; to license, tax and regulate wash houses and slaughter houses, and to prescribe and designate places for carrying on the same; to license and tax hotels, restaurants, lodging houses, livery stables, dry goods stores, grocers, butchershops, shoe stores, dentists, photographers, fruit stores, tobacco stores, doctors, lawyers, drug stores, banks, real estate dealers, insurance agents and brokers, feed stores, express companies, telegraph companies, hardware stores, printing offices, oyster houses, wood and coal dealers, lumber dealers and all business houses and wholesale and retail establishments of every kind and description, and to fix the rate of such license: *Provided*, That no tax shall be imposed or license required from any person for the sale of any of the actual products of his own farm or garden, nor shall any

license be required of any wheelwrights, carpenters, blacksmiths, boot and shoemakers, tailors, milliners, dressmakers or mechanics who expose for sale only the goods, wares or merchandise manufactured within the city limits.

• SEC. 17. The city of Olympia shall have the power to establish chain gangs and maintain a day and night police, and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants, and within or without the limits of the city; and each police officer shall also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of the territory, such police officers shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services.

SEC. 18. The city of Olympia shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred within the limits of the city to be taken up and re-interred without the limits city, and shall have power to establish cemeteries or burial grounds without the city limits, and have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 19. The city of Olympia shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 20. The city of Olympia shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of violations of ordinances of the city by fine, not exceeding three hundred dollars, or imprisonment for not more than thirty days, or by fine and imprisonment, or by forfeiture or penalty not exceeding three hundred dollars, and for working any person sentenced to such imprisonment or committed in default in payment of any such fine or costs, in chain-gang or otherwise, upon the streets or public grounds of said city.

SEC. 21. The city of Olympia shall have power to establish and regulate the fees, duties and compensation of all its officers, except when otherwise provided, and shall have such other powers and privileges not herein specially enumerated as are incident to municipal corporations of like character and degree not inconsistent with the laws of the United States or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

SEC. 22. The city of Olympia shall not be bound by any contract, or in any way made liable thereon, unless the same be authorized by city ordinance and made in writing, by order of the council, and signed by the clerk, or some other person on behalf of the city duly authorized. But an ordinance may authorize any officer of the city or agent, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 23. The city of Olympia shall have power to make harbor regulations and rules; to regulate or prevent the discharge of ballast or other material in the harbor within the city limits; to assess and collect harbor dues from all vessels and water craft whatever arriving at or departing from the city; to license and tax warfingers; to build, construct and regulate wharves, piers and landing places, or to authorize the same to be done, at the foot of any street terminating at the shore of Budd's Inlet, within the city limits, and to regulate and prescribe the limits of the extension of any wharf or wharves into the water of said inlet within said limits.

CHAPTER III.

GOVERNMENT.

SEC. 24. The power and authority, given to the city of Olympia by this act, shall be vested in the mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 25. For the purposes of municipal representation the city shall be and is hereby divided into three wards, as follows: All that part of the city lying north of Fifth street and west of Cherry shall constitute ward number (1). All that part of the city lying west of Cherry street and south of Fifth street, shall constitute ward number two (2). All that part of the city lying east of Cherry street shall constitute ward number three (3).

SEC. 26. The mayor shall be elected by the city at large and shall hold his office for a term of one year, or until his successor is elected and qualified.

SEC. 27. The common council shall consist of six members, and each ward shall be entitled to elect one member of said common council each year, who shall hold office for the term of two years from and after their election, or until their successors are elected and qualified: *Provided*, That the councilmen elected at the election of 1883 to serve for two years, shall continue in office until the election of 1885, and until their successors are elected and qualified.

SEC. 28. There shall be elected, as hereinafter provided, a city clerk, city marshal, city treasurer, city attorney, city assessor, street commissioner and city surveyor, who shall be officers of the municipal corporation.

SEC. 29. The justices of the peace for the precinct including the city, who shall have been duly elected and qualified as required by law, shall have jurisdiction over all offences defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinances, and full power and authority to hear and determine all causee, civil and criminal, arising under such ordinances. All civil and criminal proceedings, before such justices of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the territory relating to justices of the peace and to their

practice and jurisdiction, and shall be subject to review in the district court by *certiorari* or appeal, they same as other cases.

SEC. 30. The city clerk, city treasurer, city marshal, city attorney, city assessor, street commissioner and city surveyor shall be elected by the common council, by ballot, at the meeting mentioned in section 29, and shall hold their respective offices for a term of one year, or until their successors are elected and qualified: *Provided, however,* That they shall be liable to be removed by the common council at any time, by a two-thirds vote, for malfeasance, misfeasance, inattention, incompetency or any other good cause.

CHAPTER IV.

ELECTIONS.

SEC. 31. A general election shall be held for city officers on the second Monday in January in each year.

SEC. 32. The common council shall appoint judges of election, and provide all things necessary to hold a separate election in each ward, and if, for any cause, they fail to do so, or if the judges of election, duly appointed, shall fail to be present within fifteen minutes after the time for opening the polls, as provided in section 36 of this act, any three legal voters of the ward may organize a board of election judges and hold an election according to law.

SEC. 33. No person shall be eligible to hold office in the city, as contemplated by this act, unless he is an actual resident thereof and elector, and is the owner of real estate therein or personal property to the value of two hundred and fifty (250) dollars, as shown by the city assessment roll, and councilmen to be eligible in any ward must be residents thereof.

SEC. 34. The city clerk shall keep a book in his office in which all voters in the city shall register their names, and the number of the ward in which they reside, at least thirty days before the annual election. And the said clerk shall provide the judges of election, in each ward, with a list of the registered voters in such ward, and none but voters thus registered shall be allowed to vote at any municipal election: *Provided,* That this section shall not be construed to require a voter, who has once registered, to register again, unless he has lost his residence or changed his ward.

SEC. 35. No person shall be entitled to vote at any election who shall not be an elector under the laws of this territory, and who shall not have resided in the city for thirty days next preceding the day of election, and who shall not have paid a poll road tax into the city treasury for the fiscal year last past: *Provided,* That this section shall not be construed to apply to voters who shall become residents of the city prior to any election, and subsequent to the levying and collecting of the poll road tax for the fiscal year in which such voter becomes such a resident.

SEC. 36. At all elections for city officers the vote shall be by ballot, at the time and place in each ward designated by the common council, and all elections shall continue for one day, during which time the polls shall be kept open from nine o'clock A. M., to five o'clock P. M.

SEC. 37. The person who shall receive a plurality of votes for councilman or Mayor, shall be declared elected, and the clerk shall issue to him a certificate of election, and on presentation of the same to the common council he shall be sworn into office by the mayor or city clerk, either of whom may administer any oath required by this act.

SEC. 38. The judges of election, in each ward, shall designate one of the clerks of the election to make return of the vote in said ward to the city clerk within twenty-four hours after the closing of the polls, and the city clerk and common council shall, immediately after the receipt of said returns by the city clerk, assemble at their regular place of meeting and canvass the vote; and the city clerk shall issue, under the signature of the mayor and seal of the city, certificates of election to the candidates having the highest number of votes, and in case of a tie between any two candidates, it shall be decided by lot.

SEC. 39. Each officer, required to be elected or appointed, under this act, shall, before entering upon the duties of his office, take the following oath of office, before any person competent to administer oaths:

“I, A B, do solemnly swear that I will support the constitution of the United States, and the organic act, and laws of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of _____, during my continuance therein; so help me God.”

CHAPTER V.

POWERS AND DUTIES OF THE CITY COUNCIL AND OFFICERS.

SEC. 40. The common council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein, or by some ordinance of the city, conferred on some other officers.

SEC. 41. The common council shall fix the time, and place for holding their stated meetings, and may be convened by the mayor at any time. The mayor and a majority of the members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, and in the absence of the mayor, five members shall constitute a quorum, and shall appoint one of their members president *pro tem.*, who shall perform all the duties required of the mayor.

SEC. 42. The common council may adopt rules for the government or conduct of its members and its proceedings. It shall keep a journal of its proceedings, and on the call of any one of its members shall cause the yeas and nays to be taken and entered in its journal upon any question before it. But upon a question to adjourn the yeas and nays

shall not be taken unless upon a call of two-thirds of the members present. Its deliberations and proceedings shall be public.

SEC. 43. The common council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting without sufficient excuse therefor.

SEC. 44. The common council shall have power to equalize taxes upon the assessment roll of the city at any time prior to the day fixed for taxes becoming delinquent: *Provided*, That ten days' notice by publication or written or personal service shall be given to any person whose name it is proposed to add to the list, or to any person whose assessment it is proposed to increase, citing him to come forward and show cause, if any there be, why such action should not be taken by said common council.

SEC. 45. The wards, streets and alleys within said city limits shall be under the exclusive control of the common council, who shall make all needful rules in regard to the improvement, repair, grading, cleaning, etc., etc., thereof, and for the purposes of this act, said city shall not be included in any road district, but all the road or bridge tax, whether general or special, due by law within the city shall be collected as provided by ordinance.

SEC. 46. No member of the common council shall be allowed to contract with the city in any manner whatever, and any such contract shall be wholly void.

SEC. 47. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 48. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes or electric light lines to furnish the inhabitants of the city with light, or water pipes, or railway tracks to any person, association of persons or corporation for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such right as they may deem proper, not inconsistent with law.

SEC. 49. The mayor is the executive officer of the corporation, and is *ex officio* president of the common council, and shall preside over its deliberations when in session. He is not entitled to vote except in case of a tie, when he may give the casting vote. He shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the common council. It is his duty to see that all of the ordinances are properly enforced. It is his duty, annually, at the first regular meeting in each year, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council, from time to time, as he may think proper and useful.

SEC. 50. Any ordinance which shall have passed the council, shall, before it becomes a law, or of any force or validity, be presented to the mayor for his approval. If he approves it he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the

council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law, and if the mayor fails to return the same within said ten days, it shall be deemed approved and become a law.

SEC. 51. The common council shall take and approve all official bonds which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor for the faithful performance of his contract, and all bonds given to the city; and when such bonds shall have been approved they must immediately be filed with the clerk.

SEC. 52. The mayor and common council shall receive no compensation for their services.

SEC. 53. The justices of the peace within the city must keep a proper account of all fines, costs or other moneys received by them when acting under and by authority of this act, and must pay to the city treasurer, on the first of each and every month, all city moneys, fines and costs by them collected during the month past, taking duplicate receipts therefor, one of which they must file with the city clerk, together with an itemized statement, under oath, of all fees, costs, fines, and city moneys received by them during said month.

SEC. 54. Such justices of the peace shall receive such fees or compensation as may be allowed them by ordinance, payable monthly out of the city treasury, upon warrant issued by the city clerk upon order of the common council.

SEC. 55. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the mayor or common council, and it shall be his duty to prosecute all violations of any of the city ordinances, when complaint is filed with the justices of the peace charging any person with having so violated any ordinance.

SEC. 56. It shall be the duty of the city clerk to keep a fair and correct journal of the proceedings of the common council and to file and keep all papers and books connected with the business of the common council.

SEC. 57. All demands and accounts against the city must be presented to the city clerk, with the necessary evidence in support thereof, and he must submit the same to the common council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

SEC. 58. When the common council orders any demand or account to be paid, the city clerk must draw a warrant upon the city treasurer for the amount ordered to be paid, which warrant must be drawn on the special or general fund, appropriated therefor. All warrants must be signed by the city clerk and countersigned by the mayor and sealed with the corporate seal of the city.

SEC. 59. The city clerk must keep proper books of account, showing therein the sums appropriated, the date thereof and out of what

fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the finances of the city; he must also keep a book of all ordinances passed by the common council, carefully enrolled and attested.

SEC. 60. The city clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall perform all such other duties connected with his office, as city clerk, as may be prescribed by ordinance.

SEC. 61. The city clerk shall, before entering upon the duties of his office, give a bond to the city in such sums and conditions as the common council may require.

SEC. 62. The city treasurer shall be receiver of taxes, and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same only upon the warrant of the city clerk, of the common council, countersigned by the mayor.

SEC. 63. The city treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any special object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 64. The city treasurer must make a report of the receipts and expenditures of the common council at the first regular meeting in the months of January and July of each year.

SEC. 65. The city treasurer shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council.

SEC. 66. The city marshal is a peace officer, and must execute all processes issued or directed to him by any justice of the peace of the territory; he must attend regularly upon the sessions of the justice's court in all matters wherein the city is interested, and the meetings of the common council. He has power, by and with the approval of the common council, to appoint one or more deputies, who shall possess the same power as their principal; he shall make arrests for breach of the peace, on the commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the territory.

SEC. 67. The city marshal shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the prison or house of correction, unless otherwise prescribed by ordinance.

SEC. 68. The city marshal shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the city treasurer monthly, taking duplicate receipts, one of which he shall file with the city clerk.

SEC. 69. The city marshal must keep a correct record of all arrests made by him or his deputy, showing the time, cause, or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the common council, and must, on the first of each month, pay to the city treasurer any and all city moneys collected

by him as fees, costs, fines or taxes, taking therefor duplicate receipts, one of which he shall file with the city clerk.

SEC. 70. The city marshal shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council. He may require a bond from any deputy appointed by him, but he, as city marshal, shall be held on his official bond for any violation or omission of any deputy so appointed.

SEC. 71. The city assessor must annually make a correct list of all the property within the corporate limits of the city, subject to taxation by the city, with the valuation thereof, and certify and return the same to the city clerk on or before the first meeting of the council in March each year.

SEC. 72. Any person feeling himself aggrieved by any such assessment, either in the valuation or listing of his property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous or unjust they shall correct it. The party applying for such correction may be examined as a witness in relation to the matter if he desires it, or the council require it.

SEC. 73. The assessment must be made on the property and in the manner designated and prescribed by law for assessing property for territorial and county taxes. But the form of the assessment roll, and the rule for ascertaining the ownership of property and in whose name it may be assessed, may be prescribed by ordinance.

SEC. 74. The street commissioner shall have the general supervision of all street improvements and work ordered by the common council. He shall employ such help as may be necessary to carry on the work under the direction of the common council and shall make report of his doings at every regular meeting of the council and shall perform such other duties as may be prescribed by ordinance.

SEC. 75. The city surveyor shall perform such duties as may be prescribed by ordinance.

SEC. 76. The official books and papers of all city officers shall be city property, and must be kept as such by such officers, during their continuance in office, and be delivered to their successors, and the official books and papers of any officer mentioned in this chapter may be inspected at any time by a committee of the common council, appointed for that purpose.

CHAPTER VI.

VACANCIES IN OFFICE.

SEC. 77. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, city clerk, city treasurer, city assessor, city attorney and city surveyor, shall be deemed vacant whenever the incumbent thereof shall be absent without leave of the common council, from the city, for a period of ninety days. The office of city marshal and street commissioner shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the common

council, for the period of twenty days, and the office of councilman shall be deemed vacant whenever an incumbent shall fail to attend for six regular consecutive meetings of the common council, unless absent upon leave of the common council first obtained, or when he shall remove from or cease to be a resident of the ward for which he was elected; and any officer elected or appointed under and by authority of this act who shall fail to qualify by taking the oath of office and filing his official bond, when a bond is required, within ten days next succeeding his election or appointment, shall be deemed to have forfeited his office, and such office shall be deemed vacant.

SEC. 78. A vacancy in any office shall be filled by the common council at a regular meeting, but appointments to fill vacancies in the office of councilman shall only be until the next ensuing general election. The common council shall fill any vacancy existing at the time of the approval of this act.

SEC. 79. An officer appointed to fill a vacancy must, within five days after being notified of the appointment by the city clerk, qualify therefor in the manner of an officer elected, or he shall be deemed to have declined, and the office shall be considered vacant, unless he shall be absent from the city, in which case he shall qualify within five days after his return: *Provided*, That such return be not delayed beyond thirty days.

CHAPTER VII.

COLLECTION OF DELINQUENT TAXES.

SEC. 80. Whenever a municipal tax has been levied, as provided in this act, every part thereof shall bear interest at the legal rate from the time it becomes delinquent, and it shall be a lien upon all real estate so taxed from the time of the levy thereof.

SEC. 81. The common council shall provide by ordinance within what time all taxes shall be paid to the city treasurer, and all taxes not so paid within such time are thereafter delinquent, and must be collected as such.

SEC. 82. Within five days after such taxes have become delinquent, the city treasurer shall return the tax roll to the city clerk, designating thereon the taxes remaining unpaid.

SEC. 83. The common council shall order the city clerk to deliver the tax roll to the marshal, after annexing thereto a warrant directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon such roll in the manner provided by law, and pay the same to the city treasurer and return to the city clerk the warrant with his proceedings endorsed thereon and the receipt of the treasurer for all moneys collected thereby and paid into the city treasury.

SEC. 84. Such warrant, for the purpose of collecting such delinquent taxes, shall be deemed an execution against property, and shall have the force and effect thereof against any person, firm or corporation against whom such taxes are levied or charged on the tax roll,

and shall be executed and returned in like manner, except as in this chapter otherwise provided.

SEC. 85. If no personal property be found whereon to levy the warrant, or, if that levied upon be not sufficient to satisfy the same, it may be levied upon any real property of the person, firm or corporation, against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers and all expenses of sale.

SEC. 86. In case of a delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot, or part thereof, of such property for the tax levied thereon, and selling it separately, as provided by the laws of the territory regulating the sale of property for taxes, and the certificate of the marshal or person making such sale shall be given to the purchaser, as prescribed by said laws.

SEC. 87. Real property sold for delinquent taxes, within the corporate limits of the city, may be redeemed by the owner or his successor in interest, or by any person having a lien or judgment, decree or mortgage on such property, or any part thereof, after the expiration of the time and in the manner prescribed by the laws aforesaid.

SEC. 88. When any land or town lots can not be sold for the amount of taxes, interest and charges thereon, such lands or town lots shall be passed over and re-offered for sale before the close of the sale, and if the same can not then be sold for the amount, such lands or town lots shall be purchased by the city treasurer, for the amount due thereon, for the city.

SEC. 89. The common council may provide by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant and collected as a part of the tax. The common council may prescribe by ordinance the fees and compensation for collecting delinquent taxes.

SEC. 90. All taxes heretofore levied by the inhabitants of the "Town of Olympia" or the "City of Olympia," and remaining unpaid or delinquent, shall be paid to the "City of Olympia," as in this act provided for the payment of taxes, and such taxes may, by order of the common council, be collected from the person, firm or corporation, whether known or unknown, against whom the same was assessed, levied or charged by warrant in the same manner, and with the same effect, provided in this act for the collection of delinquent taxes.

SEC. 91. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 92. In making a deed for real property, sold for delinquent taxes, it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Olympia.

CHAPTER VIII.

STREET GRADES AND IMPROVEMENTS.

SEC. 93. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvement thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor; and the said survey, diagram and estimate shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of the intention to grade, pave or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the newspaper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 94. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on said street or alley, and representing one-half of the property on said street or alley, shall file with the city clerk a remonstrance against said improvements, grade or alteration the same shall not be further proceeded with unless two-thirds of the council shall vote therefor.

SEC. 95. If no such remonstrance be made and filed, as in the last section provided, the council, at its earliest convenience thereafter, and within four months from the publication of such notice, may establish the proposed grade and proceed to make the proposed improvements.

SEC. 96. In all cases when the council shall, by ordinance, order the improvement of any street or alley, by the construction of sidewalks or graveling said streets or alleys, and the owner or owners of the property adjacent thereto neglect or refuse to comply with said ordinance within the time fixed by said ordinance, and the cost thereof has been duly estimated as herein provided, the council shall, before proceeding with the execution of the work, cause an appraisement of the lots and land abutting on said street adjacent to said improvements and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said planking or graveling shall be assessed *pro rata*, on said lots or parts thereof and lands as aforesaid, according to the

assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof shall be made out by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the newspaper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known; the number and frontage of each lot, part of a lot or other land; the number of the block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 97. Any person, considering himself aggrieved by such appraisal and assessment, may apply to the city council, at its first sitting after the publication of said notice, for a modification of said assessment, and the city council may amend the same as to them may seem just.

SEC. 98. When the tabulated statement, as provided in section 96, has been approved by the council, the same shall be recorded in the office of the county auditor of the county of Thurston, in the records of liens on real property, and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on said county record of said liens, a release thereof, which shall be made in the margin of said record, opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 99. When the city council shall have duly approved of said assessment and apportioned the cost of the improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the newspaper doing the city printing, that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisal and assessment, who shall proceed to collect in the same manner as other city taxes, except as is herein otherwise provided.

SEC. 100. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the treasurer, the city council may at any time thereafter order a warrant for the collection of the same, to be issued by the city clerk, directed to the city marshal.

SEC. 101. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the county auditor with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 102. The person executing such warrant shall immediately make a certificate of purchase for the property sold to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, de-

tree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 103. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment, at legal rate, and the amount of any tax which the purchaser may have paid upon the property, together with interest upon such taxes at the legal rate.

SEC. 104. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner, or his successor in interest, the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien holder, the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 105. A sale of real property, under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown: *Provided*; That all proceedings therein shall be governed by the provisions of the code of Washington concerning the sale of real estate and transfer of title for delinquent taxes.

SEC. 106. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessments for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the manner as the original assessment, and in no instance shall the city be liable for such percentage, costs or fees.

SEC. 107. All money paid or collected upon assessments for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed, from the time of being entered in the record of liens, shall bear interest at the legal rate until paid.

SEC. 108. If, upon the completion of any improvement of any street or alley, it is found that the sum assessed therefor is insufficient to defray the costs thereof, the city council must ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement, the same shall be repaid to the parties owning the property or their representatives.

SEC. 109. For the purpose of making the appraisal, specified in section 96 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets or parts thereof benefited by said improvements.

SEC. 110. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury, and the person executing

the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council, be entitled to a warrant therefor.

SEC. 111. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

SEC. 112. No street, alley or highway shall be extended, widened, altered or vacated except on petition to the common council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, alley or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, all the members being present, at least four members vote in favor of the same.

SEC. 113. When the grade of any street, highway or alley shall have been established by authority of the city of Olympia, and any person or persons shall have built, or made improvements on such street, highway or alley, and the city shall afterwards change the established grade, or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property, which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage, and when the parties injured are unable to agree with the city council, as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties, according to the best of their ability. They shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the clerk of the district court, of the county or district embracing the city and if no objection is made thereto, in the manner herein after prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed, and upon filing a precipe therefor, the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk of said court shall, upon the filing of a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the term of the said district court. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleading in a civil action may be filed and such special pleadings as the court may allow, and the issues thus formed shall be tried as other civil actions. The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages were not so reduced, otherwise the costs shall be taxed against the party claiming damages.

SEC. 114. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, as provided in section ten of this act, the assessment upon the various lots or parcels of land so charged and the appraisement of damages to be paid to the owner of the property condemned, shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of property, subject to assessment, and one by the owner or owners of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment after ten days' notice so to do, which notice shall be given in the manner prescribed in the ordinance providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn; shall proceed in making the assessments, and shall report within the time and in the manner prescribed for appraisers in the preceding section. Their award shall be final unless objection is made within twenty days from the time of the return thereof, to the clerk of the district court. Any party aggrieved by the award may, upon filing a receipt therefor, have the case docketed for trial at the next term of the court. When the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair assessments upon property, the city shall be plaintiff and the owner of the property defendant. The issue shall be made up, the case tried and determined, and costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city and all costs of the appraisements and other proceedings under this section, shall be added to the gross amount to be raised by assessment and collected from the several property holders in the same proportion as said gross amount, and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 115. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of the territory relating to the mode of proceeding to appropriate lands by private corporations.

CHAPTER IX.

CITY ORDINANCES.

SEC. 116. The style of every ordinance shall be: "The city of Olympia does ordain as follows." All ordinances and resolutions or rules for the appropriation or payment of money shall require, for their passage or adoption, the concurrence of a majority of all the members of the council. No ordinance shall embrace more than one subject, and that shall be expressed in the title, and no ordinance or section thereof shall be revised or amended, unless the new ordinance or section contain

the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 117. All resolutions and ordinances, calling for an appropriation of any sum of money exceeding two hundred dollars, shall (\$200) lie over one meeting.

SEC. 118. All ordinances of the inhabitants of the "Town of Olympia," or "City of Olympia," in force when this act goes into effect, shall be and remain in force after this act takes effect, and until the same are repealed by the common council of the "City of Olympia;" and all rights vested, and liabilities incurred, under said corporation of the "Town of Olympia" or "City of Olympia," or any ordinance of said inhabitants of the "Town of Olympia" or "City of Olympia," when this act takes effect, shall not thereby be lost, impaired or discharged.

CHAPTER X.

MISCELLANEOUS.

SEC. 119. The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

SEC. 120. All real property within the limits of the city of Olympia, not laid off in blocks or lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fractional part thereof as the case may be.

SEC. 121. This act shall take effect and be in force from and after its passage. But the present common council, mayor, treasurer, clerk and marshal of the "City of Olympia," shall be the common council, mayor, city treasurer, city clerk and city marshal of the city government hereby established, until the mayor, common council and other officers shall be elected or appointed and qualified under the provisions of this act, and the bonds of said officers shall be continued in force until their successors have been elected and given bonds.

SEC. 122. All acts and parts of acts in conflict with any of the provisions of this act be and the same are hereby repealed.

Approved November 28, 1883.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF COLFAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 14, of article 6, of an act entitled an act, to incorporate the city of Colfax, approved November 29th, 1881, shall be amended to read as follows: To remove all obstructions

from streets, alleys, side and cross-walks, and to provide for the construction, cleaning and repairing of the same, as well as all sewers, gutters, water courses and underground drainage, and to require parties, owning or occupying premises, to clean and remove obstructions from cross and side-walks adjoining their property, or the premises occupied by them; to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets, and to establish the grade of all streets within the city; and to lay off, widen, straighten, name, extend, locate and establish streets, highways and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purpose, and to levy a general tax for the general benefit of such work.

SEC. 2. That section 17, article 6, of the same act, be amended to read as follows: To appropriate and provide for any item of city expenditure and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of seven (7) thousand dollars, no further debts shall be created except for the ordinary current expenses of the city, and debts created in violation of this provision are void.

SEC. 3. This act to take effect and be in force when approved.
Approved November 28, 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF PORT TOWNSEND," APPROVED NOV. 29TH, 1881.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section one of an act entitled "an act to incorporate the city of Port Townsend," approved Nov. 29th, 1881, be amended so as to read as follows: That the city of Port Townsend, Jefferson county, Washington Territory, shall be bounded as follows: Beginning at Point Hudson, Jefferson county, W. T., at low water; thence northerly along low tide to the north line of Seventh street, that being the north-east corner of Al. Pettygrove's addition to the town (now city) of Port Townsend; thence westerly along said 7th street to D street in said addition; thence southerly along D street to 3d street; thence westerly along 3d street to K street; thence along K street to the north side of the county road; thence westerly along the north side of the county road to a point where the donation line between the donation claims of Hastings and Pettygrove crosses the said road; thence southerly along and on the same course of said donation line to a point in the middle of Port Townsend bay; thence at right angle easterly to a point opposite Point Hudson; thence northerly to the place of beginning; and all that portion of Jefferson county, W. T., included within said lines to be known as the city of Port Townsend.

SEC. 2. That section one of this act of which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after January 10th, 1884.

Approved November 28, 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF DAYTON," APPROVED NOVEMBER 10TH, 1881.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section seven of chapter two of said act to which this is amendatory be amended to read as follows: The city of Dayton shall have power to provide for clearing, opening, graveling, improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any cross or side walk, also to regulate cellar-ways, cellar-lights and side walks within the city, and to provide for cleaning the streets and for constructing sewers, and cleaning and repairing the same, and shall have power to assess, levy and collect a special tax on property of not less than two, nor more than six mills on every dollar's worth of taxable property within the corporate limits of the city. Also a road poll tax of not less than four (4) nor more than six (6) dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except active or exempt firemen and persons that are a public charge which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the county of Columbia, or the officers thereof, any road tax or any road poll tax upon the property or inhabitants within the city. All road poll taxes, levied and assessed by the city, shall be collected and expended by and under supervision of the street commissioner of the city, and if the same are not duly paid in accordance with the laws of the city he may maintain an action in the proper court in his own name, to collect the same, and any judgment obtained by him in pursuance of such authority may be enforced as any judgment in civil actions is enforced.

That section 24 of said chapter be amended so as to read as follows:

"Section 24. The city of Dayton shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided. The indebtedness of the city must never exceed in the aggregate the sum of twenty thousand dollars, and any debt or liability incurred in excess of said twenty thousand dollars shall be invalid and void; and shall have such other powers and privileges, not herein specially enumerated, as are incident to municipal corporations of like character and degree not inconsistent with the laws of the United States, or of this territory, and as may be necessary for carrying into

effect the provisions of this act according to the true intent and meaning thereof.

That chapter 10 of said act be amended so as to read as follows:

CHAPTER X.

ASSESSING AND COLLECTING FOR STREET GRADES AND IMPROVEMENTS.

SEC. 76. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvements thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the street commissioner, and the said survey, diagram and estimate, shall be filed in the office of the city clerk for the inspection of all persons interested therein.

SEC. 77. The city council shall, at its first meeting thereafter, establish the grade in accordance with said survey and diagram and proceed to make the proposed improvements.

SEC. 78. In all cases when the council shall, by ordinance, order the improvement of any street or alley, or the alteration of the grade of any street or alley, and the cost thereof has been duly estimated as herein provided, they shall cause an appraisalment of the lots and land abutting on said street adjacent to said improvement and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling, and other improvements shall be assessed *pro rata* on said lots or parts thereof and lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council by ordinance, and a tabulated statement thereof shall be made out by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the newspaper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known, the number and frontage of each lot, part of lot or other land; the number of the block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 79. The making of any such improvements as are specified in said sections five, six, seven, eight, nine and ten shall be proceeded with immediately after the said survey and diagram shall have been approved by the city council, and shall not be postponed by, or be dependent upon the time of making said assessment.

SEC. 80. Any person, considering himself aggrieved by such appraisalment and assessment, may apply to the city council at its first sitting after the publication of the notice required by section 78 for a modification of said assessment, and the city council may amend the same as to them may seem just.

SEC. 81. When the tabulated statement, as provided in section 78, has been approved by the council, the same shall be recorded in the

office of the county auditor of the county of Columbia in the records of liens of real property, and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on said county record of said liens a release thereof, which be made in the margin of said record opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 82. When the city council shall have duly approved of said assessment, and apportioned the cost of the improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the newspaper doing the city printing, that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisement and assessment, who shall proceed to collect the same in the same manner as other city taxes, except as is herein otherwise provided.

SEC. 83. If, within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot, or other land is not paid to the treasurer, the city council may, at any time thereafter, order a warrant for the collection of the same to be issued by the city clerk directed to the city marshal.

SEC. 84. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the county auditor with his doings endorsed thereon, together with the receipts of the city treasurer for the proceeds of such sale.

SEC. 85. The person, executing such warrant, shall immediately make a deed for the property sold to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from date of sale, the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 86. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 87. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest, the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien holder the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 88. A sale of real property, under the provisions of this chapter, conveys to the purchaser (subject to redemption,) all the estate or interest therein of the owner whether known or unknown.

SEC. 89. The fees and percentage, to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such per centage, costs or fees.

SEC. 90. All money paid or collected, upon assessment for the improvement of streets or alleys, shall be kept as a separate fund and in nowise used for any other purpose whatever; all money so assessed from the time of being entered in the record of liens shall bear interest at legal rate until paid.

SEC. 91. If, upon the completion of any improvement of any street or alley, it is found that the sum assessed therefor is insufficient to defray the costs thereof, the city council must ascertain the deficiency and declare the same by ordinance, and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement, the same shall be repaid to parties owning the property or their representatives.

SEC. 92. For the purpose of making the appraisement specified in section 79 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets or parts thereof benefited by said improvement.

SEC. 93. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury and the person, executing the warrant, must take a separate receipt therefor and file it with the city clerk, and thereafter the owner, or his legal representatives shall, on application to the city council, be entitled to a warrant therefor.

SEC. 94. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

Approved November 28, 1883.

AN ACT

TO INCORPORATE THE TOWN OF TUMWATER.

ARTICLES OF INCORPORATION FOR THE TOWN OF TUMWATER.

ARTICLE I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the town of Tumwater in said territory

shall be bounded as follows, to-wit: Commencing at the northwest corner of section twenty-five, in township eighteen north, of range two west; thence running west one and one-half miles to the quarter post between sections twenty-two and twenty-seven; thence south one and one-half miles to the center of section thirty-four; thence east one and one-half miles to the quarter post between sections thirty-five and thirty-six; thence north one and one-half miles to the place of beginning.

SEC. 2. The inhabitants of the said town of Tumwater shall be, and are hereby constituted a body politic and corporate, by the name and style of the town of Tumwater, and by that name they, and their successors shall be known in law, and have perpetual succession; sue and be sued; plead and be impleaded in all courts, whatever; may purchase, hold and receive property, both real and personal within said town, for public buildings, public works and town improvements, may lease, sell or dispose of the same for the benefit of said town.

ARTICLE II.

SECTION 1. For the government of the said town of Tumwater there shall be annually elected in the manner hereinafter provided the following officers: A board of trustees, consisting of five members, who shall hold their office for one year, and until their successors shall be duly elected and qualified; each trustee shall be a resident within said town; and there shall be appointed, annually, by the board of trustees, one president from their own number; one clerk and one town marshal.

ARTICLE III.

SECTION 1. The election of town trustees, required under this act, shall be held on the first Monday in December of each year.

SEC. 2. No person shall be entitled to vote at any town election who shall not be an elector for territorial officers, and a resident of the town thirty days next preceding the day of election, and who shall not have registered his name and place of residence with the clerk of the town board at least thirty days prior to the election at which said elector shall offer to vote: *Provided*, That the provisions of this act, with regard to registration, shall not take effect at the election to be held in said town in 1883.

SEC. 3. At all elections for town officers the vote shall be by ballot.

ARTICLE IV.

SECTION 1. The first election shall be held on the first Monday in December, 1883, at the Tumwater library association hall, in said town of Tumwater, and all the resident voters of said town shall be allowed to cast their votes without restriction; and for the purpose of holding said election, James Biles shall be inspector, and S. N. Cooper and Jesso Martin shall be judges; and the polls of said election shall be open,

from three to seven o'clock P. M., and said election shall be held under the same rules that elections are held in this territory.

SEC. 2. The board of trustees shall fix the time and place for holding their stated meetings, and may be convened by the president at any time.

SEC. 3. The said board of trustees shall have full power and authority: 1st, to make all needful by-laws and regulations; 2d, to levy taxes for municipal purposes, not to exceed four mills on the dollar, per annum, upon all taxable property in said town, as is shown by the assessment made for territorial and county purposes; 3d, to make such regulations as shall promote the security of health, peace, cleanliness and good order within said town.

SEC. 4. The justice of the peace of Tumwater precinct shall act as committing magistrate, to hear, determine, and enforce all complaints of violations of town ordinances, and to examine all parties arrested by the town marshal.

SEC. 5. The roads, streets and alleys within said town shall be under the exclusive control of the board of trustees, who shall make all needful rules in regard to improvement, building, repairing, grading, and clearing the walks, streets and alleys in said town.

SEC. 6. The board of trustees shall have the power to order any property owner or the owner of any property within the corporation to repair, or construct sidewalks on any street adjoining his, or her property, provided a majority of the property owners on such street shall petition for the same; and in case said property owner shall refuse, or neglect to repair or construct said sidewalks, as ordered by said trustees, the same shall be repaired or constructed by said board of trustees, and said adjoining property shall be liable for all labor performed and materials furnished in said improvements; and the same may be collected by civil action in the name of said town of Tumwater, and in such proceedings it shall be sufficient to declare generally for work and labor performed, and materials furnished on the particular lot, parcel of land, and street. If the court trying the same shall be satisfied that the work has been done, or materials furnished, which according to the true intent and meaning of this act would be properly chargeable to the owner of the lot of land through or by which said sidewalk so repaired or constructed, may pass, judgment shall be rendered for the value of the work performed, and materials furnished, together with the costs of such action, on such lots of land, notwithstanding any informality, or defects in the proceedings of the officers of said town of Tumwater.

ARTICLE V.

SECTION 1. The trustees shall receive no compensation for their services as such.

SEC. 2. The marshal shall receive for his services the same fees as constables in like cases.

SEC. 3. The clerk shall also act as treasurer of said town, and shall

receive for his services such compensation, and give such bonds as the trustees may determine.

SEC. 4. The board of trustæes shall define the duties of all officers.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved October 27, 1883.

AN ACT

TO INCORPORATE THE CITY OF WHATCOM.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the corporate limits of the city of Whatcom and boundaries thereof shall be as follows: Commencing at the southeast corner of the Henry Roeder donation claim, in section twenty-five (25), township thirty-eight (38) north, range two (2) east; thence north to the northwest corner of said donation claim; thence east along the north line of said donation claim to the west line of section nineteen (19), township thirty-eight (38) north, range three (3) east; thence north along said section line to the center line thereof; thence east along said center line forty rods (more or less) to the west line of lands owned by the Bellingham Bay and British Columbia R. R. Co.; thence south along the line of said lands forty rods (more or less) to the southwest corner of said lands of said railroad company, being the southwest corner of the northeast quarter of the southwest quarter of said section nineteen (19); thence east forty rods (more or less) to the center line of said section nineteen (19); thence south along said center line of said section nineteen (19) and along the center line of section thirty (30), in said township and range last aforesaid, to the north line of the H. C. Page donation claim in said township and range; thence west along said line to the northeast corner of the Russell V. Peabody donation claim; thence south to the southeast corner thereof; thence west to a bolt in the rock at or near mean high tide in Bellingham bay; thence along the southerly and southwestly line of said Russell V. Peabody donation claim to the west line thereof; thence south along the east line of the Henry Roeder donation claim, aforesaid, two (2) chains to the southeast corner thereof; thence along the southwesterly line of said Henry Roeder donation claim to the place of beginning, together with the tidal flat lands in front of said Henry Roeder and Russell V. Peabody donation claim, out to deep water, twenty-four feet in depth at low tide, in Bellingham bay.

SEC. 2. The inhabitants of the city of Whatcom within the limits above described, shall be, and they are hereby, constituted a body politic and corporate in fact and in law, by the name and style of the "City of

Whatcom," 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, and they shall have and use a common seal, and may alter and amend the same at pleasure.

SEC. 3. The city of Whatcom may be divided into two or more wards by the city council: *Provided*, That the same shall not be done within ninety days prior to any election.

SEC. 4. On the second Monday of December, A. D., 1883, there shall be a general election held in the city of Whatcom, county of Whatcom, Territory of Washington, and annually thereafter, for the purpose of filling offices as provided for in this act.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 1. The city of Whatcom shall have power to assess, levy and collect taxes, for general and municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal, within the city limits, which is by law taxable for territorial and county purposes: *Provided*, That the indebtedness of the city must never exceed in the aggregate the sum of (\$2500) two thousand five hundred dollars, and any debt or liability incurred in excess of said sum of two thousand five hundred dollars, shall be invalid and void.

SEC. 2. The city of Whatcom shall have power to make regulations for the prevention of accidents by fire, to organize and establish a fire department, and make and ordain rules for the government of the same, to provide fire engines and other apparatus, and to establish fire limits.

SEC. 3. The city of Whatcom shall have power to purchase or condemn, and enter upon and take any land within its territorial limits for public squares, streets, parks, cemeteries, hospital grounds, within or without such limits, to be used for work houses or houses of correction, or any other proper and legitimate municipal purposes, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use, by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the same manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 4. The city of Whatcom shall have power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance.

SEC. 5. The city of Whatcom shall have power to provide for clearing, opening, grading, graveling, improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any side or crosswalk; also to regulate cellar ways, cellar lights, and sidewalks within the city, and to provide for cleaning the streets, and for constructing sewers, and cleaning and repairing the same; and shall have power to assess, levy and collect each year, a road poll tax of not less than four nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except active or exempt firemen and persons that are a public charge; and there shall not be levied or collected by the county of Whatcom or the officers thereof, any road tax or road poll tax or bridge tax upon the property or inhabitants within the city: *Provided*, That in the grading of any street the city council shall remove the earth from line to line the full width of the street.

SEC. 6. The city of Whatcom shall have power to cause any lot of land within the city limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause any vault upon any lot or block within the city to be cleaned, when necessary, and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council with reference to such matters after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be recovered against the owner of said property by an action at law as for debt.

SEC. 7. The city of Whatcom shall have power to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvements authorized by this section, to be applied on compensation of property so condemned or damaged.

SEC. 8. The city of Whatcom shall have power to prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame, dance houses or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation, storage and sale of gun powder, giant powder, dynamite, nitro-glycerine, or other explosive or combustibles, and to provide or license magazines for the same, and to prevent, by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to prevent any riots, noise, disturbance or disorderly assembl-

ages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein; to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire-arms, fire-crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; the building and repairing of sewers and the erection of gas lights; and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other purposes, to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues, to provide for cleaning and sprinkling of the streets and avenues, and to punish those who shall refuse so to do; and to prohibit persons from roaming the streets at unreasonable hours.

SEC. 9. The city of Whatcom shall have power to suppress and prohibit the keeping of places, houses or rooms where either male or females, adults or minors are permitted to indulge in the habit of smoking opium, and to provide by ordinance for the summary closing of such places, houses or rooms.

SEC. 10. The city of Whatcom shall have power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbances or any unlawful or indecent practices, and to define what shall constitute the same.

SEC. 11. The city of Whatcom shall have power to make regulations and to pass ordinances to prevent animals from running at large within the city limits, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceeding, or to authorize their destruction.

SEC. 12. The city of Whatcom shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire, or for the transportation of persons or property for hire, and to prescribe and fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers, and pawnbrokers; to license, regulate or restrain drinking saloons, beer shops, breweries and other places where intoxicating or other beverages are sold or disposed of: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medical purposes, when sold upon the authority of written prescriptions of practicing physicians; to license, tax and reg-

ulate wash houses, and to prescribe and designate places for carry on the same; to license and tax all hotels, livery stables, business houses and wholesale and retail establishments of every kind and description, real estate dealers, insurance agents, and all persons, male or female, practicing professions: *Provided*, That not tax shall be imposed, or license required, for the sale, inside of said city, of any of the natural products of the country, when sold by the producer or mechanics, who expose for sale only the goods, wares or merchandise manufactured within the city limits.

SEC. 13. All funds derived from liquor or other licenses, granted under the provisions of this act, together with fines, shall be paid into the city treasury for the use of said city of Whatcom: *Provided*, That two-thirds of the amount derived from liquor licenses, shall be paid into the Whatcom county treasury by said city of Whatcom, to be placed to the credit of the general county fund.

SEC. 14. The city of Whatcom shall have the power to establish chain gangs and maintain a day and night police, and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants, and within or without the limits of the city; and such police officer shall also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of the territory, such police officers shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services: *Provided, however*, That such fees shall not be collected from the city.

SEC. 15. The city of Whatcom shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and shall have power to establish cemeteries or burial grounds without the city limits, and have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 16. The city of Whatcom shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 17. The city of Whatcom shall have power to adopt proper ordinances for the government of the city, and to carry into effect the power given by this act, and to provide for the punishment of a violation of any ordinance of the city by fine, not exceeding three hundred dollars and cost, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall be imprisoned not to exceed one day for every three dollars; and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person while imprisoned as aforesaid, may be compelled to work during the time he is so imprisoned at such hard labor as the marshal shall direct; and the city may also cause the animals found running at large to be impounded, forfeited and sold.

SEC. 18. The city of Whatcom shall have power to establish and

regulate the fees, duties and compensation of all its officers, except when otherwise provided, and shall have such other powers and privileges not herein specially enumerated as are incident to municipal corporations of like character and degree not inconsistent with the laws of the United States or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof: *Provided, however,* That the mayor and councilman shall not receive any compensation for their official services.

SEC. 19. The city of Whatcom shall have power to make harbor regulations and rules; to regulate or prevent the discharge of ballast or other material in the harbor within the city limits; to assess and collect harbor dues from all vessels and water craft whatever arriving at or departing from the city; to license and tax wharfingers.

SEC. 20. The city of Whatcom shall have power to construct and repair sidewalks, and to curb, pave, grade, gravel, bridge and gutter any street or streets, highway or highways, alley or alleys, within the city or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expense of construction of said sidewalks and graveling or bridging or paving said streets and alleys, and for that purpose may establish assessment districts, consisting of the whole, or any portion, of such street or streets, highway or highways, alley or alleys, or of several streets, highways and alleys as may be deemed advisable. But unless the owners of more than one-half of the property, subject to assessment for such improvement, petition the council to make the same, such improvement shall not be made until two-thirds of all the members of the council by vote authorize the making of the same.

SEC. 21. The city of Whatcom shall have power to create new wards and increase the number of councilmen, not to exceed seven; also to change the boundary lines of wards, so as to equalize the population; *Provided,* That no new wards shall be created, or boundary lines be changed, within ninety days prior to any election.

CHAPTER III.

GOVERNMENT.

SEC. 1. The power and authority, given to the city of Whatcom by this act, shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 2. The common council shall consist of four members. They shall be elected for one year, and shall hold their office until their successors are elected and qualified.

SEC. 3. The mayor shall be elected by the city at large for one year, and shall hold his office until his successor is elected and qualified.

SEC. 4. The common council shall be elected at large by the city, unless wards are created as provided in this act, when there shall be two

members elected from each ward. They shall be qualified electors and residents of the ward from which they are elected.

SEC. 5. There shall be elected, as hereinafter provided, a city clerk, city marshal, city treasurer, city attorney, city assessor, street commissioner and city surveyor, who shall be officers of the municipal corporation.

SEC. 6. The justices of the peace for the precinct including the city, who shall have been duly elected and qualified as required by law, shall have jurisdiction over all offences defined by any ordinance of the city, and all actions brought to enforce any penalty imposed by any such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings, before such justices of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the territory relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court by *certiorari* or appeal, the same as other cases.

SEC. 7. The city clerk, city treasurer, city marshal, city attorney, city assessor, street commissioner and city surveyor shall be elected by the common council, by ballot, and shall hold their respective offices for a term of one year, or until their successors are elected and qualified: *Provided, however,* That they shall be liable to be removed by the common council at any time, by a two-thirds vote, for malfeasance, misfeasance, inattention, incompetency or any other good cause.

CHAPTER IV.

ELECTIONS.

SECTION 1. The annual municipal election for officers required to be elected under this act, shall be held on the second Monday of December of each year.

SEC. 2. No person shall be entitled to vote at any municipal election, annual or special, who is not a qualified elector for territorial and county officers according to the law of the Territory of Washington, and who shall not have resided in said city for thirty days next preceding the day of election.

SEC. 3. The city clerk, under the direction of the council, shall give ten days notice, by posting the same in at least two public places in the city, and by publication in the newspaper doing the city printing, of such municipal election, the officers to be elected, the place designated for holding the election, and the names of the judges and clerks appointed to conduct the same and at all such elections the vote shall be by ballot.

SEC. 4. All elections shall commence at ten o'clock A. M., and continue until five o'clock P. M., of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters then present may elect another in his place, and if any clerk of election fails to attend at the proper time, the judges of election may appoint

another in his place. The judges and clerk of the election, must possess the qualifications of voters in the city, but a mistake or error in this respect, or a failure to give the notice required by this chapter, shall not invalidate any election otherwise legal.

SEC. 5. At the first regular meeting of the council, next after such election the returns, thereof, shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the mayor and attested by the clerk, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any office, and the names of persons elected and to what office.

SEC. 6. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 7. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor, and its own members.

SEC. 8. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly except as otherwise provided by this act; and by such time, such person must qualify by taking and filing the oath of office, and give such official bond for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office shall be considered vacant.

SEC. 9. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly (swear or affirm) that I will support the constitution of the United States, and the organic act, of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of _____, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 10. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

SEC. 11. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector, according to the laws of this territory, and who has resided in the city of Whatcom for the three months next preceding such election of appointment.

CHAPTER V.

VACANCIES IN OFFICE.

SECTION 1. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, city clerk, city treasurer, city

assessor, city attorney and city surveyor, shall be deemed vacant whenever the incumbent thereof shall be absent without leave of the common council, from the city, for a period of ninety days. The office of city marshal and street commissioner shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the common council, for the period of twenty days, and the office of councilman shall be deemed vacant whenever an incumbent shall fail to attend for six regular consecutive meetings of the common council, unless absent upon leave of the common council first obtained, or when he shall remove from or cease to be a resident of the ward for which he was elected; and any officer elected or appointed under and by authority of this act who shall fail to qualify by taking the oath of office and filing his official bond, when a bond is required, within ten days next succeeding his election or appointment, shall be deemed to have forfeited his office, and such office shall be deemed vacant.

SEC. 2. A vacancy in any office shall be filled by the common council at a regular meeting, but appointments to fill vacancies in the office of councilman shall only be until the next ensuing general election.

SEC. 3. An officer appointed to fill a vacancy must, within five days after being notified of the appointment by the city clerk, qualify therefor in the manner of an officer elected, or he shall be deemed to have declined, and the office shall be considered vacant, unless he shall be absent from the city, in which case he shall qualify within five days after his return: *Provided*, That such return be not delayed beyond thirty days.

CHAPTER VI.

ORGANIZATION AND POWERS OF THE COUNCIL AND OFFICERS OF THE CORPORATION.

SEC. 1. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein, or by some ordinance of the city, conferred on some other officers.

SEC. 2. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members.

SEC. 3. A majority of the members of the council, shall constitute a quorum to do business, but a less number may meet and adjourn from time to time, and compel the attendance of absent members. And in the absence of the mayor, four members shall constitute a quorum, and shall appoint one of their members president *pro tem.*, who shall perform all the duties required of the mayor.

SEC. 4. The council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the govern-

ment of legislative bodies. It must keep a journal of its proceedings, and on the call of any one of its members must cause the yeas and nays to be taken and entered in the journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon the call of two members. Its deliberations and proceedings must be public.

SEC. 5. The common council shall have power to equalize taxes upon the assessment roll of the city at any time prior to the day fixed for taxes becoming delinquent: *Provided*, That ten days' notice by publication or written or personal service shall be given to any person whose name it is proposed to add to the list, or to any person whose assessment it is proposed to increase, citing him to come forward and show cause, if any there be, why such action should not be taken by said common council.

SEC. 6. Any ordinance which shall have passed the council, shall, before it becomes a law, or of any force or validity, be presented to the mayor for his approval. If he approves it he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, three-fourths of the members of the council shall agree to pass the same, it shall become a law, and if the mayor fails to return the same within said ten days, it shall be deemed approved and become a law after publication in the official city papers.

SEC. 7. The common council shall take and approve all official bonds which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor for the faithful performance of his contract, and all bonds given to the city; and when such bonds shall have been approved they must immediately be filed with the clerk.

SEC. 8. The justices of the peace within the city must keep a proper account of all fines, costs or other moneys received by them when acting under and by authority of this act, and must pay to the city treasurer, on the first of each and every month, all city moneys, fines and costs by them collected during the month past, taking duplicate receipts therefor, one of which they must file with the city clerk, together with an itemized statement, under oath, of all fees, costs, fines, and city moneys received by them during said month.

SEC. 9. The mayor is the executive officer of the corporation, and is *ex officio* president of the common council, and shall preside over its deliberations when in session. He is not entitled to vote except in case of a tie, when he may give the casting vote. He shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the common council. It is his duty to see that all of the ordinances are properly enforced. It is his duty, annually, at the first regular meeting in each year, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such

special communications to the council, from time to time, as he may think proper and useful.

SEC. 10. The city attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the mayor or common council, and it shall be his duty to prosecute all violations of any of the city ordinances, when complaint is filed with the justices of the peace charging any person with having so violated any ordinance.

SEC. 11. It shall be the duty of the city clerk to keep a fair and correct journal of the proceedings of the common council and to file and keep all papers and books connected with the business of the common council.

SEC. 12. All demands and accounts against the city must be presented to the city clerk, with the affidavit of the claimant, that the same is correct, and all other necessary evidence in support thereof, and he must submit the same to the common council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

SEC. 13. When the common council orders any demand or account to be paid, the city clerk must draw a warrant upon the city treasurer for the amount ordered to be paid, which warrant must be drawn upon the special or general fund, appropriated therefor. All warrants must be signed by the city clerk and countersigned by the mayor and sealed with the corporate seal of the city.

SEC. 14. The city clerk must keep proper books of account, showing therein the sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the finances of the city; he must also keep a book of all ordinances passed by the common council, carefully enrolled and attested.

SEC. 15. The city clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall perform all such other duties connected with his office, as city clerk, as may be prescribed by ordinance.

SEC. 16. The city clerk shall, before entering upon the duties of his office, give a bond to the city in such sums and conditions as the common council may require.

SEC. 17. The city treasurer shall be receiver of taxes, and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same only upon the warrant of the city clerk, of the common council, countersigned by the mayor.

SEC. 18. The city treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any special object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 19. The city treasurer must make a report of the receipts

and expenditures of the common council at the first regular meeting in the months of June and December of each year, and cause the same to be published in the newspaper doing the city printing.

SEC. 20. The city treasurer shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council.

SEC. 21. The city marshal is a peace officer, and must execute all processes issued or directed to him by any justice of the peace of the territory; he must attend regularly upon the sessions of the justice's court in all matters wherein the city is interested, and the meetings of the common council. He has power, by and with the approval of the common council, to appoint one or more deputies, who shall possess the same power as their principal; he shall make arrests for breach of the peace, on the commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the territory.

SEC. 22. The city marshal shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the prison or house of correction, unless otherwise prescribed by ordinance; but the common council shall have authority to make necessary agreements with the county commissioners, to use the county jail for city purposes.

SEC. 23. The city marshal shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the city treasurer monthly, taking duplicate receipts, one of which he shall file with the city clerk.

SEC. 24. The city marshal must keep a correct record of all arrests made by him or his deputy, showing the time, cause, or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the common council, and must, on the first of each month, pay to the city treasurer any and all city moneys collected by him as fees, costs, fines or taxes, taking therefor duplicate receipts, one of which he shall file with the city clerk.

SEC. 25. The city marshal shall, before entering upon the duties of his office, give a bond to the city in such sum and conditions as may be required by the common council. He may require a bond from any deputy appointed by him, but he, as city marshal, shall be held on his official bond for any violation or omission of any deputy so appointed.

SEC. 26. The city clerk may be appointed city assessor, whose duty it shall be, to annually make a correct list of all the property within the corporate limits of the city, subject to taxation by the city, with the valuation thereof, and certify and return the same, to the council on or before the first meeting of the council in April of each year: *Provided, however,* That such certificate and return, shall be made to the city clerk, unless said clerk be acting city assessor: *And, provided further,* That such list of property and valuation, may be taken from the certified returns of the county assessor, if so prescribed by the council.

SEC. 27. The assessment must be made on the property and in the manner designated and prescribed by law for assessing property for territorial and county taxes. But the form of the assessment roll, and the

rule for ascertaining the ownership of property and in whose name it may be assessed, may be prescribed by ordinance.

SEC. 28. The street commissioner shall have the general supervision of all street improvements and work ordered by the common council. He shall employ such help as may be necessary to carry on the work under the direction of the common council and shall make report of his doings at every regular meeting of the council and shall perform such other duties as may be prescribed by ordinance.

SEC. 29. The city surveyor shall perform such duties as may be prescribed by ordinance.

SEC. 30. The official books and papers of all city officers shall be city property, and must be kept as such by such officers, during their continuance in office, and be delivered to their successors, and the official books and papers of any officer mentioned in this chapter may be inspected at any time by a committee of the common council, appointed for that purpose.

CHAPTER VII.

COLLECTION OF DELINQUENT TAXES.

SECTION 1. Whenever a municipal tax has been levied, as provided in this act, every part thereof shall bear interest at the legal rate from the time it becomes delinquent, and it shall be a lien upon all real estate so taxed from the time of the levy thereof.

SEC. 2. The common council shall provide by ordinance within what time all taxes shall be paid to the city treasurer, and all taxes not so paid within such time are thereafter delinquent, and must be collected as such.

SEC. 3. Within five days after such taxes have become delinquent, the city treasurer shall return the tax roll to the city clerk, designating thereon the taxes remaining unpaid.

SEC. 4. The common council shall order the city clerk to deliver the tax roll to the marshal, after annexing thereto a warrant directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon such roll in the manner provided by law, and pay the same to the city treasurer and return to the city clerk the warrant with his proceedings endorsed thereon and the receipt of the treasurer for all moneys collected thereby and paid into the city treasury.

SEC. 5. Such warrant, for the purpose of collecting such delinquent taxes, shall be deemed an execution against property, and shall have the force and effect thereof against any person, firm or corporation against whom such taxes are levied or charged on the tax roll, and shall be executed and returned in like manner, except as in this chapter otherwise provided.

SEC. 6. If no personal property be found whereon to levy the warrant, or, if that levied upon be not sufficient to satisfy the same, it may be levied upon any real property of the person, firm or corporation

against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers and all expenses of sale.

SEC. 7. In case of a delinquent tax levied upon real property in the name of an owner unknown, the warrant shall be executed by levying upon each lot, or part thereof, of such property for the tax levied thereon, and selling it separately, as provided by the laws of the territory regulating the sale of property for taxes, and the certificate of the marshal or person making such sale shall be given to the purchaser, as prescribed by said laws.

SEC. 8. Real property sold for delinquent taxes, within the corporate limits of the city, may be redeemed by the owner or his successor in interest, or by any person having a lien or judgment, decree or mortgage on such property, or any part thereof, after the expiration of the time and in the manner prescribed by the laws of the Territory.

SEC. 9. When any land or town lots can not be sold for the amount of taxes, interest and charges thereon, such lands or town lots shall be passed over and re-offered for sale before the close of the sale, and if the same can not then be sold for the amount, such lands or town lots shall be purchased by the city treasurer, for the amount due thereon, for the city.

SEC. 10. The common council may provide by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for collecting delinquent taxes must be made on the warrant and collected as a part of the tax. The common council may prescribe by ordinance the fees and compensation for collecting delinquent taxes.

SEC. 11. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 12. In making a deed for real property, sold for delinquent taxes, it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Whatcom.

CHAPTER VIII.

ORDINANCES.

SECTION 1. The style of every ordinance shall be: "The city of

Whatcom does ordain as follows." No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed, by repeating it, but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 2. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer and the clerk, and all those of a general or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made, and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

SEC. 3. All the courts of the Territory of Washington, holding terms in Whatcom county, shall take judicial knowledge of the ordinances of said city, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless there is evidence affirmatively showing that such publication has not been made.

CHAPTER IX.

STREET GRADES AND IMPROVEMENTS.

SECTION 1. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvement thereof, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor; and the said survey, diagram and estimate shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of the intention to grade, pave or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the newspaper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 2. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on said street or alley, shall file with the city clerk a remonstrance against said improvements, grade or alteration the same shall not be further proceeded with unless two-thirds of the council shall vote therefor.

SEC. 3. If no such remonstrance be made and filed, as in the last section provided, the council, at its earliest convenience thereafter, and within four months from the publication of such notice, may establish the proposed grade and proceed to make the proposed improvements.

SEC. 4. In all cases when the council shall, by ordinance, order the improvement of any street or alley, by the construction of side-

walks or graveling said streets or alleys, and the owner or owners of the property adjacent thereto neglect or refuse to comply with said ordinance within the time fixed by said ordinance, and the cost thereof has been duly estimated by direction of the council, the council shall, before proceeding with the execution of the work, cause an appraisement of the lots and land abutting on said street adjacent to said improvements and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said planking or graveling shall be assessed *pro rata*, on said lots or parts thereof and lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof shall be made out by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the newspaper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known; the number and frontage of each lot, part of a lot or other land; the number of the block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 5. Any person, considering himself aggrieved by such appraisement and assessment, may apply to the city council, at its first sitting after the publication of said notice, for a modification of said assessment, and the city council may amend the same as to them may seem just.

SEC. 6. When the tabulated statement, as provided in section 4 of this chapter, has been approved by the council, the same shall be recorded in the office of the county auditor of the county of Whatcom, in the records of liens on real property, and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on said county record of said liens, a release thereof, which shall be made in the margin of said record, opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 7. When the city council shall have duly approved of said assessment and apportioned the cost of the improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the newspaper doing the city printing, that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisement and assessment, who shall proceed to collect in the same manner as other city taxes, except as is herein otherwise provided.

SEC. 8. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the treasurer, the city council may at any time thereafter order a warrant for the collection of the same, to be issued by the city clerk, directed to the city marshal.

SEC. 9. Such warrant must require the city marshal to forthwith

levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the county auditor with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 10. The person executing such warrant shall immediately make a certificate of purchase for the property sold to the purchaser, stating therein that the same is made subject to redemption as herein-after provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 11. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment, at legal rate, and the amount of any tax which the purchaser may have paid upon the property, together with interest upon such taxes at the legal rate.

SEC. 12. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner, or his successor in interest, the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien holder, the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 13. A sale of real property, under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown: *Provided*, That all proceedings therein shall be governed by the provisions of the code of Washington concerning the sale of real estate and transfer of title for delinquent taxes.

SEC. 14. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessments for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the manner as the original assessment, and in no instance shall the city be liable for such percentage, costs or fees.

SEC. 15. All money paid or collected upon assessments for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed, from the time of being entered in the record of liens, shall bear interest at the legal rate until paid.

SEC. 16. If, upon the completion of any improvement of any street or alley, it is found that the sum assessed therefor is insufficient to defray the costs thereof, the city council must ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the orig-

inal assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement, the same shall be repaid to the parties owning the property or their representatives.

SEC. 17. For the purpose of making the appraisement, specified in section 4 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets or parts thereof benefited by said improvements.

SEC. 18. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury, and the person executing the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council, be entitled to a warrant therefor.

SEC. 19. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

SEC. 20. No street, alley or highway shall be extended, widened, altered or vacated except on petition to the common council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, alley or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, all the members being present, at least four members vote in favor of the same.

SEC. 21. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of the territory relating to the mode of proceeding to appropriate lands by private corporations.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. The fiscal year of the city shall commence on the first day of January and end on the last day of December of each year.

SEC. 2. All real property within the limits of the city of Whatcom not laid off in blocks or lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fractional part thereof as the case may be.

SEC. 3. The city of Whatcom may regulate and provide as to the manner in which all additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and where filed and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries; and may cause an official.

map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct; and all surveys made by the city surveyor whatever at the instance and expense of the city, or private parties, shall be official surveys, and a minute thereof shall be kept by the city surveyor, as a part of his official records, and shall be *prima facie* evidence of their own correctness; and the city has power to enforce this ordinance and the selling of any real property not subdivided as aforesaid and plat made and filed as above provided, and to compel the establishment and maintenance of such monuments, and to fine or imprison, or both, for a violation thereof; and when the boundary or existence of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 4. Whenever an addition to said city, shall be platted and recorded in the office of the county auditor of Whatcom county as required by law, then and in that case, the city of Whatcom shall have power by ordinance to include such addition within the corporate limits thereof: *Provided always*, That such addition is joined to the already established boundaries of said city.

SEC. 5. On the second Monday of December, 1883, a special election shall be held at the court house, in the city of Whatcom, Territory of Washington, between the hours of ten A. M., and five P. M., for the purpose of electing a mayor and four councilmen; who shall carry out the provisions of this act. The following named persons shall act as judges and inspectors of election; Wm. Utter, and W. D. Jenkins, judges; J. J. Weisenburger, inspector. Election returns of said election shall be made to C. Donovan, auditor of Whatcom county, W. T., and S. D. Reinhart, justice of the peace for said county, who shall canvass the votes and forthwith issue certificates of election according to law. Said officers to be elected shall qualify within ten days after election, or the vacancies, caused by a failure to so qualify, shall be filled by appointment by the qualified councilmen. Should any judge or inspector of said election named fail to attend or act at the proper time, the voters then present may elect another in his place, and should either of such canvassers fail to attend or act, the other shall select some qualified voter to act in his place.

SEC. 6. This act shall be in force and take effect from and after its passage and approval by the governor.

Passed the Council November 24th, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House November, 24th, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved November 23, 1883.

WILLIAM A. NEWELL,
Governor of Washington Territory.

AN ACT

TO INCORPORATE THE CITY OF ELLENSBURGH.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the corporate limits of the city of Ellensburg and boundaries thereof shall be as follows: Beginning at the north-east corner of section 2, in township 17 north, of range 18 east, Willamette meridian; thence south two hundred and forty rods; thence west one hundred and sixty rods; thence north two-hundred and forty rods; thence east one-hundred and sixty rods to the place of beginning, all being situated in the county of Kittitas and Territory of Washington.

SEC. 2. The inhabitants of the city of Ellensburg within the limits above described, shall be, and they are hereby, constituted a body politic and corporate in fact and in law, by the name and style of the "City of Ellensburg," 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 actions suits, or proceedings 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, and they shall have and use a common seal, and may alter and amend the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Ellensburg shall have power to assess, levy and collect taxes, for general and municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal, within the city limits, which is by law taxable for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes exclusive of assessments for improvements, as in this act is hereinafter provided, shall not exceed in any year one and one-half per centum, per annum on the property assessed.

SEC. 4. The city of Ellensburg shall have power to make regulations for the prevention of accidents by fire, to organize and establish a fire department, and make and ordain rules for the government of the same, to provide fire engines and other apparatus and to levy and collect special taxes for that purpose not to exceed in any one year, one-fifth of one per centum upon the taxable property within the corporate limits of the city.

SEC. 5. The city of Ellensburg shall have power to purchase or condemn, and enter upon and take any land within or without its territorial limits for public squares, streets, parks, cemeteries, hospital grounds, or be used for work houses or houses of correction, or any other proper and legitimate municipal purposes, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifths of one per centum in any one year. The city shall have entire control of all such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use, by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the same manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 6. The city of Ellensburg shall have power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance, and for the erection or construction of such works as may be necessary or convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within such districts or limits benefited by such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this section, and all such taxes shall be assessed upon and collected only from property within said districts or limits.

SEC. 7. The city of Ellensburg shall have power to provide for clearing, opening, graveling, improving and repairing streets, highways and alleys, and for the prevention and removal of all obstructions therefrom, and from any cross or sidewalk; also to regulate cellar ways, cellar lights, and sidewalks within the city, and to provide for cleaning the streets, and for constructing sewers, and cleaning and repairing the same; and shall have power to assess, levy and collect each year, a road poll tax of not less than four nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except active or exempt firemen and persons that are a public charge; also a special tax on property of not less than two nor more than six mills on every dollar's worth of property within the corporate limits of the city, which taxes shall be expended for the purposes specified in this section, and there shall not be levied, or collected by the county of Kittitas or the officers thereof, any road tax or road poll tax upon the property or inhabitants within the city.

SEC. 8. The city of Ellensburg shall have power to construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any street or streets, highway or highways, alley or alleys, within the city or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the ex-

pense of such improvement, and for that purpose may establish assessment districts, consisting of the whole, or any portion, of such street or streets, highway or highways, alley or alleys, or of several streets, highways and alleys as may be deemed advisable. But unless the owners of more than one-half of the property, subject to assessment for such improvement, petition the council to make the same, such improvement shall not be made until a majority of five-sevenths of all the members of the council by vote authorize the making of the same.

SEC. 9. The city of Ellensburg shall have power to cause any lot of land within the city limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause any vault upon any lot or block within the city to be cleaned, when necessary, and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council with reference to such matters after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

SEC. 10. The city of Ellensburg shall have power to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvements authorized by this section, to be applied on compensation of property so condemned or damaged, or to authorize or prevent the location and laying down of railway tracks and street railways on all streets, alleys and public places, and no railway track can thus be laid down until the injury to property abutting upon the street, alley or public place, upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section 122 of this act.

SEC. 11. The city of Ellensburg shall have power to erect and maintain water-works or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, or three-fourths of the members of the city council by vote assent thereto.

SEC. 12. The city of Ellensburg shall have power to construct or authorize the construction of such water-works within or without the limits of the city, and for the purpose of maintaining and protecting the same from injury and the water from pollution; its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains, used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which water is taken for five miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 13. If the right to construct and operate such water-works is granted to private individuals or incorporated companies by said city, it may make such grant to inure for a term of not more than twenty-five years, and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between said persons or corporation in building such works. And said city is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 14. Said city is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works, and if it shall authorize the construction and operation thereof by individuals or private corporations, it may confer by ordinance upon such person or persons, or corporation, the said power to take and appropriate private property for such purpose.

SEC. 15. The city Ellensburg shall have power at the regular time for levying taxes in any year, to levy and collect a special tax not exceeding one-half of one per centum upon the taxable property within the corporate limits of the city for the purpose of constructing such water-works: *Provided*, That no such tax shall be levied or collected for the purpose of aiding any private individual or corporation, and when such work shall have been constructed, said city shall have power to assess and collect, from time to time, in such manner as the city council may deem equitable, from each tenement, or other place supplied with water such water rent as may be deemed reasonable, and at the regular time for levying taxes in each year to levy and collect, in addition to the tax already authorized by this section, a special tax on the taxable property within the city limits, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works, and if the right to construct, maintain and operate such water-works shall be granted to private persons or corporation by the city and the city shall contract with such person, persons or corporation for supply of water for any purpose, said city shall levy and collect, each year, a special tax sufficient to pay such water rent to such person or corporation: *Provided, further*, That said taxes shall not exceed one-half of one per centum upon the taxable property within said city limits.

SEC. 16. The city of Ellensburg shall have power to make regulations to prevent the introduction of contagious diseases into the city; and to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbances or any unlawful or indecent practices.

SEC. 17. The city of Ellensburg shall have power to make regulations and to pass ordinances to prevent animals from running at large within the city limits, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining,

impounding and sale of the same for the penalty incurred and costs of proceeding, or to authorize their destruction.

SEC. 18. The city of Ellensburg has power to regulate, license, and tax all carts, wagons, drays, coaches, omnibuses, and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit, theatricals, shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all offensive or noxious trades or occupations, and within the limits of said city shall have power to tax, license, regulate and restrain barrooms, saloons, and all houses or places where liquors are sold or disposed of at wholesale or in quantities of one or more gallons; also all billiard tables, pigeon hole, Jenny Lind, or other gaming tables kept for hire within the city; and any person or persons who shall keep any billiard table or tables, pigeon hole, Jenny Lind or other gaming table or tables in a drinking saloon or house, or in a room or building adjoining or attached thereto, and shall allow the same to be used by two or more persons to determine by play thereon which of the persons so playing shall pay for drinks, cigars or other articles for sale in such saloon or drinking house, shall, within the meaning of this act, be deemed to be keeping the same for hire: *Provided*, The sale by apothecaries or druggists of spirituous, malt or fermented liquors or wine for medical purposes upon the prescription of a practicing physician shall not be restricted, and no license shall be required therefor. No law, or part thereof, authorizing any tribunal or officer of Kittitass county to grant licenses for any such house or places or business enumerated in this section, shall apply or be held to authorize the granting of such licenses within said city by county officers, and all such licenses paid to the city shall be in lieu of the licenses required and specified by the general laws of the Territory for similar houses of business; and the sum required for such license shall be the same as the amount required by the general laws of the Territory for houses or business of like character, and shall be paid to said city, and bonds required to be given by keepers of saloons or drinking houses shall be upon the same terms, and for like amounts as required by said general laws and shall be made payable to said city: *Providing*, Fifty per cent. of all moneys received for liquor licenses shall be paid into the general school fund of Kittitass county. And twenty-five per cent. of all such money shall be paid into the county treasury to be used for county purposes.

SEC. 19. The city of Ellensburg shall have power to establish and maintain a day and night police and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants and within or without the limits of the city, and such police officer shall also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of the Territory, such police officers shall be entitled to receive the same fees as are allowed to sheriffs and constables for similar services.

SEC. 20. The city of Ellensburg shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthily, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill fame and gambling houses, and to authorize the destruction of all instrument or devices used for purposes of gambling; to regulate the transportation, storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same; to prevent and punish immoderate or fast riding or driving horses and other animals through the street; to regulate the speed of trains and locomotives on railways over the streets or through the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and the persons and property of the inhabitants thereof, and to preserve peace and order therein.

SEC. 21. The city of Ellensburg shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred within the city limits to be taken up and buried without the limits of the city, and shall have power to establish cemeteries or burial grounds without the city limits, and have authority and jurisdiction over the same, necessary to the safety, preservation, regulation and ornamenting the same.

SEC. 22. The city of Ellensburg shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 23. The city of Ellensburg shall have power to adopt proper ordinances for the government of the city, and to carry into effect the power given by this act, and to provide for the punishment of violation of ordinance of the city by fine, not exceeding one hundred dollars, or imprisonment for not more not exceeding thirty days, or by both fine and imprisonment, or by forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment, or committed in default of payment of any such fine or costs upon the streets or public grounds of said city, during the term thereof.

SEC. 24. The city of Ellensburg shall have power to establish and regulate the fees, and compensation of all its officers, except when otherwise provided, and shall have such other powers and privileges, not herein specially enumerated, as are incident to municipal corporations of like character and degree not inconsistent with the laws of the United States or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER III.

GOVERNMENT.

SEC. 25. The power and authority hereby given to the city of Ellensburg by this act shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 26. The common council shall consist of four members. They shall be elected for two years, and shall hold their office until their successors are elected and qualified: *Provided*, That at the city election in July, 1884, two of said members shall be elected and hold their office for one year only, and the city council shall, on or before the first day of June, 1884, divide the city into not more than two wards, and shall at the same time apportion the members among the several wards, to be elected and hold their office for said different periods. And after said first election there shall be elected, annually, two and two members alternately, from the different wards according to apportionment by the city council.

SEC. 27. The mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 28. There shall be elected as hereinafter provided a justice of the peace, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner and an assessor, who shall be officers of the corporation. The marshal be elected by the qualified voters of the corporation and hold his office for one year, and until his successor is elected and qualified: *Provided*, That the marshal appointed by this act, shall hold his office until his successor is elected and qualified in July 1884, and no longer. The common council shall, at its first meeting after its members have qualified in the month of January, 1884, and its first meeting after its members have qualified, after the city election in July, 1884, and annually thereafter, at the first regular meeting and qualification of the members elected, designate and appoint a justice of the peace, who shall have been duly elected or appointed and qualified according to law, for any precinct, the whole or any part of which is within the corporate limits of the city, who shall be the justice of the peace of the city, and shall keep his office therein, and shall have jurisdiction in all cases of the violation of any ordinance of the city, and over all crimes and offenses defined by any such ordinance, and of all other causes to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and shall have full power and authority to hear, try and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All criminal and civil proceedings before such justice of the peace, under or by authority of this act, shall be governed and regulated by the general laws of this territory, relating to justices of the peace and to their jurisdiction and practice, and shall be subject to review in the district court of the proper district, by appeal or *certiorari*, the same as other cases tried or determined before justices of the peace. The attorney, clerk, treasurer, health officer, surveyor, street commissioner and the assessor shall be elected by the common council at the meeting above specified. And they shall be liable at any time to be removed by the council for malfeasance, misfeasance, nonfeasance or incompetency. Nothing in this section contained shall be construed as prohibiting the election of one and the same person to two or more of said offices, where the duties of such are not incompatible.

SEC. 29. No person shall be eligible to any office in the corporation who, at the time of his election or appointment, is not entitled

to the privilege of an elector, according to the laws of this territory, and who has not resided in the city for the six months next preceding his election or appointment.

CHAPTER IV.

ELECTIONS.

SEC. 30. There shall be a general election for all city officers, required to be elected under this act, on the second Monday in July of every year.

SEC. 31. No person is qualified to vote at any election under this act who do not possess the qualifications required in section 29 of this act, for officers, and who, if under the age of fifty years, has not paid either a poll or property tax in the city for the fiscal year last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote. And all officers, required to be elected by this act, except those elected by the common council, shall be elected by the qualified voters of the city.

SEC. 32. That at all elections for city officers the vote shall be by ballot at the time and place designated by the common council.

SEC. 33. The city clerk, under the direction of the council, shall give ten days notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in the city, of such general election, specifying the officers to be elected, the place or places designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 34. All elections shall commence at one o'clock P. M., and continue until six o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 35. Judges and clerk of the election, must possess the qualifications of voters in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice as required by section 33 of this act, shall not invalidate any election otherwise legal.

SEC. 36. At the first regular meeting of the common council, next after such election, the returns thereof shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the presiding officer of the council and attested by the clerk, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for each person for any office, and the names of persons elected and to what office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the city council shall give notice to the several persons so having the highest

and an equal number of votes, to attend the council chamber at an appointed time, and the council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 37. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 38. A certificate of election is primary evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined by the council according to the laws of the territory regulating proceedings in contested elections for county officers.

SEC. 39. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council and terminate accordingly, except as otherwise provided by this act; and by which time, such person must qualify by taking and filing the oath of office, and give such official bond for the faithful discharge of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 40. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, and the organic act and laws of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of —, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 41. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 42. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required. The office of the mayor, clerk, treasurer and assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of marshal and justice of the peace shall be deemed vacant whenever the incumbent shall be absent from

the city for the period of twenty days. The office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council first obtained. A vacancy in any office shall be filled by the council at a regular meeting.

SEC. 43. An officer appointed to fill a vacancy must, within five days after being notified of his appointment by the clerk, qualify therefor as in the case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 44. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 45. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to any time prior thereto, and it may be convened by the mayor at any time upon one day's notice given to each of its members.

SEC. 46. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 47. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings and on the call of any one of its members must cause the yeas and nays to be taken, and entered in the journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 48. The council may punish any member for disorderly conduct at any meeting or for refusing or neglecting to attend any regular meeting without sufficient cause therefor, and may, by a two-thirds vote, expel a member.

SEC. 49. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and to determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent from any meeting of the council, the council must appoint one of their own number president to serve during the meeting, or until the mayor attends.

SEC. 50. On the tenth day after any general election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 51. A majority of the whole number constituting the council, as provided by law, is a majority of the council or members thereof within the meaning of this act and not otherwise, unless expressly so

provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 52. The mayor is the executive officer of the corporation. It is his duty, annually, at the first regular meeting in July of each year, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council, from time to time, as he may think proper and useful.

SEC. 53. The mayor shall take and approve all official bonds and undertakings which the ordinances of the city may require any officer to give as a security for the faithful performance of his duty, or which may be required of any contractor for the faithful performance of his contract, and when he approves any bond or undertaking, he must immediately file the same with the clerk.

SEC. 54. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or this territory.

SEC. 55. Any ordinance which shall have passed the council, shall, before it becomes a law, or of any force or validity, be presented to the mayor for his approval. If he approves he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, five-sevenths of the members of the council shall agree to pass the same, it shall become a law, and if the mayor fails to return the same within said ten days, it shall be deemed approved and become a law.

SEC. 56. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 57. The city attorney shall represent the city in all suits, actions and proceedings, in which the city is legally interested, and shall give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council, but the city may employ additional counsel when deemed advisable by the council.

SEC. 58. It shall be the duty of the city clerk to keep a fair and correct journal of the proceedings of the city council and to file and keep all papers and books of the same. The clerk is authorized to administer any oath required to be taken, in connection with the duties of his office.

SEC. 59. All demands and accounts against the city must be presented to the clerk, with the necessary evidence in support thereof, and he must submit the same to the council, who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they may deem just and legal.

SEC. 60. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the general or special fund appropriated therefor, and signed by the mayor and attested by the clerk.

SEC. 61. The city clerk must keep proper books of account, showing therein all sums of money appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters proper or necessary to a correct understanding of the city finances.

SEC. 62. The city treasurer is receiver of taxes; and shall receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the clerk.

SEC. 63. The city treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any special object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 64. The city treasurer must make a report of the receipts and expenditures to the common council at their first regular meeting in January and July of each year, after January, 1882, which report shall be published in some newspaper in the city.

SEC. 65. The assessor must annually make a correct list of all the property within the corporate limits of the city, subject to taxation by the city, with the valuation thereof, and certify and return the same to the clerk.

SEC. 66. Any person feeling himself aggrieved by any such assessment, either in the valuation or listing of his property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous or unjust they shall correct it. The party applying for such correction may be examined as a witness in relation to the matter if he desires it, or the council require it.

SEC. 67. The assessment must be made on the property and in the manner designated and prescribed by law for assessing property for territorial and county taxes. But the form of the assessment roll, and the rule for ascertaining the ownership of property and in whose name it may be assessed may be prescribed by ordinance, and the time of making such assessment and the return thereof, and of applying to the council for revision thereof must be prescribed by ordinance.

SEC. 68. The marshal is peace officer, and must execute all process issued by the justice of the peace of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the court of said justice of the peace and meetings of the council. He has power by and with the approval of the council, to appoint one or more deputies, who shall possess the same powers of the marshal, except that they shall not have power to appoint any deputy. He shall make arrests for breach of the peace or commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the territory, and may pursue and arrest persons without the city limits for crimes or offenses committed therein. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison and house of correction, unless otherwise provided by ordinance.

SEC. 69. The marshal must keep a correct record of all arrests made by him and his deputies, showing the time, cause or complaint upon which the arrest was made, and make a full and complete report, in writing, each month, to the city council.

SEC. 70. The justice of the peace of the city shall, before exercising any of the functions of his office as such, give a bond to the city with such surety, and in such sum and with such conditions as the council may require. He must keep a proper account of all fines, costs and other moneys received by him when acting under or by authority of this act, and he must pay to the treasurer monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 71. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 72. The official books and papers of all the city officers are city property, and must be kept as such by said officers during their continuance in office, and shall, upon the expiration of their office, be delivered to their successors.

SEC. 73. The official books and papers of any officer mentioned in this act may be inspected at any time by the council, or by any committee appointed by the council for that purpose.

CHAPTER IX.

ORDINANCES.

SEC. 74. The style of every ordinance shall be "The city Ellensburg does ordain as follows:" All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all the members of the council. No ordinance shall embrace more than one object and that shall be expressed in the title, and no ordinance, or section thereof, shall be revised or amended unless the new ordinance or section contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 75. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer of the council and the clerk, and all ordinances of a general or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation within the city.

CHAPTER X.

ASSESSING AND COLLECTING FOR STREET GRADES AND IMPROVEMENTS.

SEC. 76. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvement thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor; and the said survey, diagram and estimate shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of the intention to grade, pave or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the newspaper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 77. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on said street or alley, and representing one-half of the property in said street or alley, shall file with the city clerk a remonstrance against said improvements, grade or alteration the same shall not be further proceeded with.

SEC. 78. If no such remonstrance be made and filed, as in the last section provided, the council, at its earliest convenience thereafter, and within four months from the publication of such notice, may establish the proposed improvements.

SEC. 79. In all cases when the council shall, by ordinance, order the improvement of any street or alley, or the alteration of the grade of any street or alley, and the cost thereof has been duly estimated as herein provided, they shall, before proceeding with the execution of the work cause an appraisalment of the lots and land abutting on said street adjacent to said improvement and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling or other improvements shall be assessed *pro rata*, on said lots or parts thereof, and lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof, shall be made out by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the newspaper doing the city printing for two weeks. Such statement shall show the name of the owner of

each lot, if known; the number and frontage of each lot, part of a lot or other land; the number of the block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 80. Any person considering himself aggrieved by such appraisal and assessment, may apply to the city council at its first sitting, after the publication of said notice, for a modification of said assessment, and the city council may amend the same, as to them may seem just.

SEC. 81. When the tabulated statement, as provided in section 79, has been approved by the council, the same shall be recorded in the office of the county auditor, of the county of Kittitass, in the records of liens on real property, and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on said county record, of said liens, a release thereof, which be made in margin of said record, opposite the lot or land so released, and the same shall be thereafter discharged from said lien.

SEC. 82. When the city council shall have approved of said assessment and apportioned the cost of the improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the newspaper doing the city printing, that said assessment is due and payable to the city treasurer. The clerk shall furthermore make out and deliver to the treasurer a copy of said appraisal and assessment, who shall proceed to collect the same in the same manner as other city taxes, except as is herein otherwise provided.

SEC. 83. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the treasurer, the city council may at any time thereafter order a warrant for the collection of the same to be issued by the city clerk directed to the city marshal.

SEC. 84. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the county auditor, with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 85. The person executing such warrant shall immediately make a deed for the property sold to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 86. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of pay-

ment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 87. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien holder the amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 88. A sale of real property under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown.

SEC. 89. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such percentage costs or fees.

SEC. 90. All money paid or collected upon assessment for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed from the time of being entered in the record of liens, shall bear interest at the legal rate until paid.

SEC. 91. If upon the completion of any improvement of any street or alley it is found that the sum assessed therefor is insufficient to defray the costs thereof, the city council must ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement the same shall be repaid to the parties owning the property or their representatives.

SEC. 92. For the purpose of making the appraisalment specified in section 79 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets or parts thereof benefited by said improvements.

SEC. 93. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury, and the person executing the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council be entitled to a warrant therefor.

SEC. 94. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 95. The assessor shall annually make out a list of the names of all persons within the city liable to pay a road-poll tax as provided in section seven of this act; and at the time of making said list the assessor shall demand from each person the road-poll tax levied for said year by the council; and if said road-poll tax is then paid, the assessor shall mark the same "paid" on said list, and give to the person so paying a receipt therefor; and the said list shall be returned to the city council with the return of his assessment of property, and he shall pay over to the city treasurer the money received by him, and file his receipt therefor with the city clerk. The said poll tax list shall be given to the city treasurer and he shall at once proceed to collect the unpaid road-poll tax thereon from the persons named in said list. The treasurer shall also place upon said list the names of all persons found within the city liable to pay such poll tax who shall fail to produce a receipt for the payment of a road poll tax for the current year. The treasurer shall demand the amount due from each person named upon the list, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expense of the levy and sale: *Provided*, That any person may pay said road poll tax in work upon the streets of the city under the direction of the street commissioner, when notified by him so to do, at the rate of two dollars per day. Any person having men employed, either for himself or a company shall, when required, provide a list of the names of all such persons so employed liable to pay such road-poll tax, and if such employer, or agent of the employer, shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then such employer or his company shall be liable for the amount of the road-poll tax of his or their employes, and shall pay the road-poll tax due from such employes on being notified in writing by the treasurer.

SEC. 96. Whenever any general or special tax has been levied as provided and authorized by chapter two of this act, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected, and shall be a lien from said time upon any real property owned by the party assessed.

SEC. 97. The council shall provide by ordinance within what time all taxes levied as provided and authorized by the provisions of chapter two of this act may be paid to the treasurer, and all taxes not paid to the treasurer within such time are thereafter delinquent taxes and shall be collected as such, and ten per cent. thereon in addition and ten per cent. per annum.

SEC. 98. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 99. The council, upon receiving the tax roll from the treasurer, shall order the city clerk to annex thereto a warrant under the seal of the city, and directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon said roll in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collecting, and return the warrant, with his doings endorsed thereon, to the city clerk, together with the receipt of the treasurer for all moneys collected thereby and paid to the treasurer. The clerk shall deliver said tax roll with the warrant annexed thereto as aforesaid to the city marshal.

SEC. 100. Said warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property and shall have the force and effect thereof against any person or corporation against whom such taxes are levied or charged on the tax roll and against their property, and shall be executed and returned in like manner except as in this chapter otherwise provided.

SEC. 101. If personal property be not found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and executing the warrant.

SEC. 102. In case of delinquent tax levied upon real property in the name of an unknown owner, the warrant shall be executed by levying upon each lot, or part thereof, of such property for the tax levied thereon, and selling it separately.

SEC. 103. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such deed shall have the effect provided in section eighty-eight of this act.

SEC. 104. Real property sold for taxes, as provided for in this chapter, may be redeemed by the owner or his successor in interest, or by any person having a lien by judgment, decree or mortgage on such property, or any part thereof, separately sold, within three years from the date of deed therefor, and upon the terms and conditions, and with the effect provided in chapter nine of this act in the case of sale of real property for delinquent assessments for the improvement of streets; and such delinquent tax may be paid by such lien creditors in the same manner, and with like effect, as a delinquent assessment, as provided in sections eighty-six and eighty-seven of this act.

SEC. 105. Whenever any real or personal property, sold for delinquent taxes, shall bring more than the amount of such tax, with interest, and the cost and charges of collection, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the city clerk on the return of the warrant. At any time thereafter the owner of the property sold, or his legal representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 106. Section ninety-four shall apply to the sale of real property for delinquent taxes, and in the case of the sale of personal property for such taxes, the true consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant, must specify such consideration and the name of the purchaser.

SEC. 107. The council may provide by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for the collection of delinquent taxes must be made on the warrant and collected as part of the tax. The council may prescribe by ordinance the fees and compensation for collecting delinquent taxes but the same shall in no case be paid out of the city treasury.

SEC. 108. All property subject to levy and sale on execution is subject to levy upon a warrant for the collection of delinquent taxes, and all property subject to assessment for taxes, as provided by this act, whether the same be exempt from execution or not. The city marshal shall, on entering upon the discharge of his duties as tax collector, give a bond to the city of Ellensburg, in the sum to be fixed by the council, not less than two thousand dollars, conditioned for the faithful performance of his duties as such tax collector, and that he will pay over the moneys collected by him as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 109. The city of Ellensburg shall not be bound by any contract, or in any way made liable thereon, unless the same be authorized by city ordinance and made in writing, by order of the council, and signed by the clerk, or some other person on behalf of the city duly authorized. But an ordinance may authorize any officer of the city or agent, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 110. The city of Ellensburg shall be liable to any one for loss or injury to person or property growing out of any casualty or accident happening to any such person or property on account of the condition of any street or public ground therein, but this section does not exonerate any officer of the city, or any other person from such liability, when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 111. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by an ordinance; and an ordinance making an appropriation of money, must not contain any provision upon any other subject, and if it does, such ordinance, as to such provision, shall be void, and not otherwise.

SEC. 112. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 113. The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

SEC. 114. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 115. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes to furnish the inhabitants of the city with light, to any person, association of persons or corporation for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such right as they may deem proper, not inconsistent with law.

SEC. 116. In making a deed for real property, sold for delinquent taxes, it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient, if it substantially appears from such deed that the property was sold by virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Ellensburg.

SEC. 117. The mayor and councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 118. All real property within the limits of the city of Ellensburg not laid off in blocks or lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fractional part thereof, as the case may be.

SEC. 119. The city council shall designate and fix the number of councilmen to be elected in each ward, and provide places for holding elections in each ward, and appoint officers for conducting the elections.

SEC. 120. No street, alley or highway shall be extended, widened, altered or vacated except on petition to the common council, signed by a majority of the resident owners of real estate within the ward or wards, in or through which such street, alley or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, all the members being present, at least five members vote in favor of the same.

SEC. 121. When the grade of any street, highway or alley shall have been established by authority of the city of Ellensburg and any person or persons shall have built, or made improvements on such street, highway or alley, and the city shall afterwards change the established grade, or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property, which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage, and when the parties injured are unable to agree with the city council, as to

the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties, according to the best of their ability. They shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the clerk of the district court of the county or district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed, and upon filing a precipe therefor, the party entitled may have a judgment entered therefor. If the damages so assessed be excessive or insufficient the clerk of said court shall, upon the filing of a written precipe therefor, by the city, or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term of the said district court. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleading in a civil action may be filed, and such special pleadings as the court may allow, and the issues thus formed shall be tried as other civil actions. The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced, otherwise the costs shall be taxed against the party claiming damages.

SEC. 122. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, as provided in section ten of this act, the assessment upon the various lots or parcels of land so charged and the appraisal of damages to be paid to the owner of the property condemned, shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of property, subject to assessment, and one by the owner or owners of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment after ten days' notice so to do, which notice shall be given in the manner prescribed in the ordinance providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn; shall proceed in making the assessments, and shall report within the time and in the manner prescribed for appraisers in the preceding section. Their award shall be final unless objection is made within twenty days from the time of the return thereof, to the clerk of the district court. Any party aggrieved by the award may, upon filing a precipe therefor, have the case docketed for trial at the next term of the court. When the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair assessments upon property, the city shall be plaintiff and the

owner of the property defendant. The issue shall be made up, the case tried and determined, and costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city and all costs of the appraisements and other proceedings under this section, shall be added to the gross amount to be raised by assessment and collected from the several property holders in the same proportion as said gross amount, and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 123. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of the territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 124. A. Lawrence is hereby appointed mayor of the city of Ellensburg, and the following named persons members of the common council, viz.: John T. McDonald, C. B. Reed, S. C. Davidson and S. L. Blumauer. They shall each qualify as required by this act, on or before the second Monday in January, 1884, and shall hold their offices respectively until the second Monday in July, 1884, and until their successors are elected and qualified. They shall hold their first regular meeting on said second Monday in January, and if any of the above named appointees shall fail to qualify as above provided, the council shall appoint some suitable person or persons to fill such vacancy or vacancies. The council shall also at said meeting, or so soon thereafter as may be expedient, appoint a marshal, clerk, treasurer, attorney, health officer, street commissioner and assessor, who shall qualify and hold their respective offices during the pleasure of the council, or until their successors are elected or appointed and qualified. Said officers so appointed by the council, shall qualify within five days after receiving notice of their appointment or they shall be deemed to have declined, in which case others may be appointed in their place.

SEC. 125. This act to take effect and be in force from and after the first day of January, 1884, after its passage and approval.

Passed the House November, 21st, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council November 26, 1883.

SEWALL TRUAX,
President of the Council.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF SEATTLE, APPROVED DECEMBER 2, 1869," APPROVED NOVEMBER 12, 1875, AND THE ACTS AMENDATORY THERETO APPROVED NOVEMBER 9, 1877, AND NOVEMBER 13, 1879.

SECTION 1. *Be it enacted by the Legislative Assembly of the Terri-*

ritory of Washington: That the act of the legislative assembly of the Territory of Washington, approved November 12, 1875, entitled "an act to amend an act entitled an act to incorporate the city of Seattle, approved December 2, 1869," and the acts amendatory thereto approved November 9, 1877, and November 13, 1879, be and the same are amended as follows, that is to say, the said several sections of said act and amendatory acts, hereinafter named, are amended to read as follows, to-wit:

Section 1. The city of Seattle shall include within its limits the following lands, premises and territory, to-wit: The north half of section 17, all of sections 3, 4, 5, 6, 8, 9 and 10 in township 24 north, range 4 east, and the south half of sections 19 and 20, and all of sections 27, 28, 29, 30, 31, 32, 33 and 34 in township 25 north, range 4 east, and the south half of section 24, and all of section 25 in township 25 north, range 3 east, and including also the water fronting the said above described lands westward to the center of Elliott's Bay and the Duwamish River, and eastward to the middle of Lake Washington.

Section 4. The city of Seattle has power to make regulations for the prevention of accidents by fire; to organize and establish a fire department; ordain rules for the government of the same; to provide fire engines and other apparatus, and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any one year one-fifth of one per centum upon the taxable property within the city. And has power, also, to prohibit the erection within the city, within any prescribed limits, of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to such prohibition.

Section 7. The city of Seattle has power to provide for clearing, opening, graveling, improving, repairing and cleaning streets, alleys, and highways, and for the prevention and removal of all obstructions therefrom, or from any crosswalk or sidewalk, and to regulate cellar ways, and cellar lights, on sidewalks, and to construct sewers, and clean and repair the same; and has power to assess, levy and collect each year, a road tax and a road poll tax of not more than four dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except persons who are a public charge, and a special tax on property of not more than three mills on every dollar's worth of property within the city, which shall be expended for the purposes specified in this section, and the officers of the county shall not levy or collect any road or road poll tax upon the property or inhabitants of the city.

Section 8. The city of Seattle shall have power to construct and repair sidewalks, and to curb, pave, grade, plank, macadamize and gutter any street or streets, highway or highways, alley or alleys therein, or any part thereof, and to levy and collect a special tax or assessment on all lots and parcels of land fronting on such street or streets, highway or highways, or any part thereof, sufficient to pay the expense of such improvements, and for such purpose may establish assessment districts, consisting of all lots and parcels of land fronting on a portion or the whole of any such street or streets, alley or alleys, highway or highways, as may be deemed

advisable: *Provided, however,* That all such assessment districts shall in all cases extend back to the middle of the block fronting on such improvement, in case the land fronting on such improvement, has been platted into blocks, and all lands and parcels of lands as far back as the middle of the block, and in case of lands not platted into blocks, as far back as 128 feet from the line of the street fronting on such improvement, shall be deemed and taken to front on such street or streets, highway or highways, and in case of alleys, all lots or parcels of land in the block, through which any such alley may run, shall be deemed to front on such alley: *Provided further,* That in all assessments and levies to pay the expenses of such improvements, the real estate only shall be assessed, excluding from such assessment all improvements therein, whether the same are affixed to the land or not, and in such case the improvements on land shall not be taken or assessed as any part of the land, nor assessed at all: *And, provided, further,* That unless the owners of more than one-half of the property subject to assessment for such improvement, petition the council to make such improvements, the same shall not be made unless seven members of the council are present and vote in favor of making the same.

Section 11. The city of Seattle has power to provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets, and to establish the grades of all streets within the city; and to lay off, widen, straighten, narrow, change, extend, vacate, and establish streets, highways, alleys and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes; and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, sufficient to make compensation for all property condemned or damaged; and to authorize or forbid the location and laying down of tracks for railways and street railways on any and all streets and alleys, and public places within the city: *Provided,* That no street or alley shall be extended or vacated except by a vote of seven members of the council in favor thereof: *And provided further,* That any person or corporation laying down such railway shall be liable to the owners of property abutting on such street or streets, alley or alleys, for all damages and injury caused thereby to be ascertained on the petition of the property owners in the manner provided by chapter 188, sections 2473 to 2476 inclusive, of the code of Washington of 1881 and the judgment and decree thereon shall be that the company or person shall pay such damages, and on such payment shall be entitled to such right of way and if no petition for such compensation shall be filed within two years after the track is so laid, such claim shall be barred.

Section 24. The city of Seattle has power to borrow money on the credit of the city for any purpose within the authority of the corporation, including the payment of any existing debt, and for such purpose may issue warrants on the city treasurer, payable at a specified time, with a rate of interest therein named, such warrants to be drawn on the fund for which such money is borrowed; and has further power to levy and collect a tax sufficient to pay the principal and interest on such sum borrowed: *Provided,* That the indebtedness of the

city must not exceed the sum of fifty thousand dollars at any one time, excluding indebtedness for water works and assessments for improving streets, under the provisions of section 8 of this chapter.

Section 29. The common council shall consist of nine members, who shall be elected for the term of two years, except as hereinafter provided, and shall hold their office until their successors are elected and qualified.

Section 35. There shall be appointed and elected, as hereinafter provided, a city attorney, chief of police, treasurer, clerk, assessor, surveyor and such other subordinate officers as the council may provide. The city attorney, assessor and chief of police, shall be elected by the qualified electors of said city at the time and in the manner provided for the election of mayor and councilmen, and the council shall, on their own motion, elect all other officers above named, and such other subordinate officers as may be provided for. The common council shall also appoint one of the justices of the peace within the city as the police justice of the city; such justice shall keep his office within the city, and shall have jurisdiction over all crimes defined by any ordinances of the city, and of all actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances, and to pronounce judgment in accordance therewith, and issue all writs and process necessary to enforce such judgments. All proceedings before such Justice, under and by the authority of this act, shall be governed and regulated by the general laws of the Territory relating to Justices of the Peace and to their practice and jurisdiction, and shall be subject to review in the District Court of the proper district by certiorari or appeal the same as other cases: *Provided, however,* That such Police Justice shall, in all actions brought before him, take judicial notice of all ordinances of the City of Seattle, and it shall not be necessary, in any proceedings before him, to plead such ordinance, nor shall it be necessary in any complaint before him, for the violation of such ordinances. The said officers herein provided for, shall hold their offices for the term of one year, and until their successors are elected or appointed and qualified, unless sooner removed, and the common council may, at any regular meeting, remove any such officer for cause, to be stated in the order making such removal: *Provided,* That two-thirds of the members of the common council shall vote for such order of removal, and in case of such removal, the council shall fill the vacancy caused thereby. The salary of none of the said officers shall be increased or diminished during the term for which he was elected or appointed.

Section 34. No persons are qualified to vote at any election under this act, who have not, in addition to the qualification prescribed in section thirty-two of this act, been residents of the city six months, and of the wards in which they offer to vote for ten days, next preceding such election, and who are not otherwise qualified as legal voters under the general law of the territory, and whose names are not registered under the registration law, governing said city.

Section 33. There shall be a general election for all city officers

required to be elected under this act on the second Monday of July each year. At such election the polls shall be opened at 9 o'clock A. M. and close at 7 o'clock P. M. The city council shall designate the place of voting in each ward, and appoint the judges and clerks of the election, and in case of the absence of any judge or clerk, the voters present may proceed to fill such vacancies.

Section 37. For the purposes of municipal representation the city of Seattle be and is hereby divided into three wards, designated and bounded as follows: The first ward shall include all that part of the city south of a line running through the center of Mill street from Elliott's Bay to Lake Washington. The second ward shall include all that part of the city between the north line of the first ward and a line running through the center of Pike street, from Elliott's Bay to Lake Washington. The third ward shall include all that part of the city north of the second ward. At the annual election in 1884, there shall be elected from the first ward one member of the council for one year, and two for the term of two years. And there shall be elected from the second ward one member for the the term of one year and two members for the term of two years. And from the third ward one member for the term of one year and two for the term of two years. At each annual election thereafter each ward shall elect one or more members for the term of two years as may be necessary to fill the vacancy to be caused by the expiration of the term of office of the member or members from such ward. And B. L. Northop is hereby appointed councilman from the third ward, and John Keenan councilman from the first ward, until the next general election.

Section 53. The mayor is *ex-officio* president of the council, and shall preside over its deliberations when in session. He is not entitled to vote except in case of a tie vote, in which case he shall have the casting vote. He has authority to preserve order, enforce the rules of the council, and to determine the order of business, subject to such rules, and to an appeal to the council. If the mayor is absent at any meeting of the council, the council must appoint one of its number president to serve during the meeting, or until the mayor attends.

Section 59. Any ordinance which shall have passed the council shall, before it becomes a law, be presented to the mayor for his approval. If he approve it he shall sign it. If not he shall, within ten days, return it with his objections in writing to the council, who shall cause the same to be entered upon their journal, and shall proceed to reconsider the same. If, after such reconsideration, two-thirds of the members of the council vote for the passage of the same it shall become a law.

Section 72. The city treasurer shall collect all delinquent taxes and assessments when required by warrant or law, and keep and pay out the same upon the order of the city council.

Section 73. The chief of police shall be the peace officer of the city, and must execute all process issued by the police justice or other justice of the peace of the city directed to him, and all process issued by the police justice for violations of any city ordinance shall be directed to him for service. The chief of police must attend upon the court of the police justice and at all meetings of the council, and shall make

found in the city, as will be sufficient to make the amount of the tax with interest and costs. He shall give five days' notice of the time and place of sale, by posting notices thereof in three public places in the city, one of which notices shall be posted on the door of the office of the city clerk, which notices must be posted at least five days before the day fixed for sale, such sale shall take place in front of the building in said city in which the common council assembles, and the same shall be at public auction, to the highest bidder. So much shall be sold as will be sufficient to pay the tax with interest and costs, and the same fees shall be allowed the treasurer that are allowed to sheriffs on sale of property on execution. Any surplus remaining in the treasurer's hands after such payment, shall be paid over to the party to whom it belongs on demand.

Section 86. On the first Monday of March each year, the treasurer shall make return of said delinquent tax roll to the city council, and must make and subscribe therein, before the city clerk, an affidavit, in substance as follows:

TERRITORY OF WASHINGTON, } ss.
CITY OF SEATTLE.

I, A B, treasurer of the city of Seattle, do solemnly swear that I have made due diligence and search to find sufficient personal property subject to levy belonging to each person whose tax is now delinquent and unpaid on this tax roll and that I have been unable to find any such property from which to make such tax, so help me God.

Subscribed and sworn to before me this day of 18....

.....,
City Clerk.

Section 87. The city clerk shall, within ten days from the first Monday in March, enter in such tax roll an order under the seal of the city, in substance as follows:

TERRITORY OF WASHINGTON, } ss.
CITY OF SEATTLE.

To A B, treasurer of said city:—

You are commanded to proceed to sell, for the payment of the delinquent and unpaid taxes on the within tax roll for the year 18... , with interests and costs, all the real estate mentioned and described therein, upon which taxes are levied, whether in the name of a designated owner or in the name of an unknown owner.

Witness my hand with the seal of the city this day of 18....

.....,
City Clerk.

[SEAL]

Section 88. On the fourth Monday in April each year, at 10 o'clock A. M., at the front door of the building in which the city council holds its sessions, the city treasurer or his deputy must commence the sale of real estate named in said tax roll for the preceding year, upon which the taxes have not been paid. The treasurer shall give the same notice, and proceed in the same manner to make such sales that the sheriff is

required to give and do, by the provisions of sections 2917, 2918, 2919, 2920 of the code of Washington of 1881, and shall execute to the purchaser a certificate of purchase for the lands and lots sold to him, stating the amount paid therefor, and any number of lots and parcels of lands sold to one person may be included in one certificate, but the amount paid for each lot or parcel shall be separately stated. Such receipt shall be signed by the treasurer in his official capacity. Such certificate shall be *prima facie* evidence of the regularity of all prior proceedings.

Section 89. On or before the third Monday of May each year the treasurer must make return to the city clerk of said tax roll with a statement of his doings thereon, showing all lands and lots sold by him, to whom sold and the sum paid therefor, which tax roll shall remain on file in the office of the clerk, and any and all delinquent and unpaid taxes therein charged shall be carried forward and charged to the person and the lands on the tax roll for the year following that for which such taxes were levied.

Section 90. The purchaser at tax sales acquires a lien on the lots and lands sold, for the taxes, interest and costs paid by him at such sale, being for the whole amount bid and paid by him, as well as for all taxes subsequently paid by him on the lands and lots and shall be entitled to interest thereon at the rate of twenty per cent. per annum from the date of such payment.

Section 91. All lots and parcels of land sold for taxes shall be subject to redemption by the former owner or his grantee or heir, within three years from the date of the certificate of purchase, on payment to the city treasurer, for the purchaser, of the amount the same was sold for, with twenty per cent. interest per annum, together with the costs and charges and taxes since such sale paid thereon by the purchaser, with like interest thereon. And on such redemption being made the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount received for such redemption to the purchaser or his assigns. Should no redemption be made within the period of three years the treasurer shall, on demand by the purchaser or his assigns, and the surrender of the certificate, execute to him a deed for such lands and lots therein described. Such deed shall be executed only for the lands and lots named in the certificate, and after payment of all subsequent taxes thereon. The deed shall be executed in the name of the city of Seattle, shall recite in substance the matters contained in the certificate, and that no redemption has been made of the property within the time allowed by law. Such deed shall be signed and acknowledged by the city treasurer as such, and shall be recorded within six months from its date. The deed shall be *prima facie* evidence that the property was assessed as required by law, that it was equalized as required by law, that the taxes were not paid, that the property was sold as required by law, that it was not redeemed, and that the person executing the deed was the proper officer, and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment by the assessor inclusive up to the execution of the deed.

SEC. 2. Sections 72, 81 and 102 and 103 of said act are hereby repealed.

SEC. 3. Wherever the word marshal occurs in said act the same shall be taken and held to mean chief of police, and wherever the word collector is used the same shall be taken and held to mean city treasurer. The foregoing amendments and none of them shall in any wise affect or impair any act done or contract made, or tax or assessment assessed or levied, but such contracts, acts and taxes shall remain and be enforced and collected in the same manner as if these amendments had not been made: *Provided*, That the general municipal taxes, and road taxes levied under the provisions of sections 2 and 7, shall be collected by the officers and in the manner herein provided.

SEC. 4. This act shall take effect and be in force from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

TO INCORPORATE THE CITY OF VANCOUVER.

CHAPTER I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the corporate limits of the city of Vancouver and the boundaries thereof, shall be as follows, to-wit: Beginning at the southeast corner of the donation land claim of Amos M. Short and Esther Short, in township two north, of range one east of the Willamette meridian, said point of beginning being at low water mark on the Columbia river, and running thence westerly following the meanders of said river at low water mark to the southwest corner of the said donation land claim; thence north on the west boundary line of said donation land claim to the northwest corner thereof; thence due east to the west boundary line of the United States military reservation, and thence southerly along said military reserve line to the place of beginning.

SEC. 2. The inhabitants of the city of Vancouver, within the limits herein described, shall be, and they are hereby, constituted a body politic and corporate in fact and in law, by the name and style of the "City of Vancouver," 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 actions or proceedings whatever, whether at law or in equity, contract and be contracted with, and have and use a common seal, and may alter or change the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Vancouver shall have power to assess, levy and collect taxes, for general municipal purposes, not to exceed one-half of one per centum upon all property, both real and personal, within the city which is by law taxable for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes exclusive of assessments for improvements, as in this act provided, shall not exceed in any year one per centum on the property assessed.

SEC. 4. The said city shall have power to make regulations by ordinance for the prevention of accidents by fire, to organize and establish fire departments, and ordain rules for the government thereof, to provide fire engines and other apparatus and to levy and collect special taxes for that purpose not to exceed in any one year, one-half of one per centum on the taxable property within the corporate limits of the city.

SEC. 5. The city shall have power to purchase or condemn, and enter upon and take possession of any lands within or without its corporate limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purposes, and inclose, ornament and improve the same, and erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-half of one per centum on the taxable property in said city in any one year. The city shall have entire control of all such lands purchased or condemned under the provisions of this act, and all building thereon and of all streets, highways, squares and public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use, and has power in case such lands are deemed unfit or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall vest in the purchaser all the right, title and interest of the city therein.

SEC. 6. The city shall have power to provide for the lighting of the streets with gas or other lights within such districts or limits as may be prescribed by ordinance, and for the erection and construction of such works as may be necessary or convenient therefor, and has power to levy and collect for these purposes a special tax not exceeding one-fifth of one per centum upon the taxable property within such districts or limits benefited by such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this section, and all such taxes shall be assessed upon and collected only from the taxable property within said districts or limits.

SEC. 7. The city shall have power to provide for clearing, opening,

paving, graveling, improving and repairing the streets and highways and public levee, and for the prevention and removal of obstructions therefrom, and from any cross or sidewalk; also to regulate cellarways, cellar lights and sidewalks within the city, and to provide for cleaning the streets, and for constructing sewers and cleaning and repairing the same, and shall have power to assess, levy and collect a special tax upon the taxable property of the city, to accomplish these purposes, not exceeding in any one year two-fifths of one per centum.

SEC. 8. The city shall have power to construct and repair sidewalks and to curb, pave, grade, macadamize and gutter any street or streets, highway or highways, within the city or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of land fronting on such streets or highways, or any part thereof, sufficient to pay the expense of such improvement, and for that purpose may establish assessment districts, consisting of the whole, or any portion of such streets or highways, or of several streets and highways as may be deemed advisable; but unless the owners of more than one-half of the property subject to assessment for such improvement petition the council to make the same, such improvement shall not be made unless a majority of five-sevenths of all the members of the council by vote authorize the making of the same.

SEC. 9. The city shall have power to cause any lot of land within its corporate limits, on which water at any time becomes stagnant, to be drained or filled up, and to cause vaults or cesspools upon any lot or block in the city to be cleaned, when necessary, and in case of failure or refusal of the owner or owners of any such lot or block to comply with the requirements of any ordinance or resolution of the city council with reference to such matters after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount of money so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

SEC. 10. The said city shall have power to provide by ordinance for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, and highways, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, to be applied on compensation for property so condemned or damaged, or to authorize or prevent the laying down of railway tracks and street railways on all streets or public places, and no railway track can be laid down until the injury to property abutting upon the street, or public place, upon which such track or railway is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section 122 of this act.

SEC. 11. The city shall have power to erect and main-

tain water-works or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, or five-sevenths of the members of the city council assent thereto.

SEC. 12. The city shall have power to erect and construct or authorize the erection and construction of such water-works within or without the corporate limits of the city, and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains, used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which water is taken for five miles above the point from which it is taken, and to enact ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 13. If the right to construct and operate such water-works is granted to private individuals or incorporated companies by said city, it may make such grant for any length of time, not exceeding twenty-five years, and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon not exceeding two dollars per month. And said city is authorized and empowered to enter into a contract with the individual or company constructing such works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum as may be agreed upon.

SEC. 14. The said city shall have power to condemn and appropriate much private property as shall be necessary for the construction and operation of such water works, and if it shall authorize the construction and operation thereof by individuals or private corporations, it may confer by ordinance upon such individuals or corporations, the power to take and appropriate property for such purposes.

SEC. 15. The said city shall have power at the regular time for levying the annual taxes in any year, to levy and collect a special tax not exceeding one-half of one per centum upon the taxable property within the corporate limits of the city for the purpose of constructing such water-works: *Provided*, That no such tax shall be levied or collected for the purpose of aiding any private individual or corporation, and when such work shall have been constructed, said city shall have power to assess and collect, from time to time, in such manner as the city council may deem proper from each tenement, or other place supplied with water such water rent as may be deemed reasonable, and at the regular time for levying taxes in each year to levy and collect, in addition to the tax already authorized by this section, a special tax on the taxable property within the city limits, sufficient with the water rents hereby authorized, to pay the expenses of operating such works, and if the right to construct, maintain and operate such water-works shall be granted to private persons or a corporation by the city and the city shall contract with such person, or corporation for

supply of water for such purpose, said city shall levy and collect, each year, a special tax sufficient to pay such water rent to such person or corporation: *Provided, further,* That said tax shall not exceed in any one year one-half of one per centum upon the taxable property within the corporate limits of said city.

SEC. 16. The said city shall have power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to provide for the support, restraint and employment of vagrants and paupers; to restrain and punish disturbances and unlawful or indecent practices.

SEC. 17. The city shall have power to make regulations and to pass ordinances to prevent animals from running at large within said city limits, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceeding, or to authorize their destruction.

SEC. 18. The city shall have power to regulate, license and tax all carts, drays, trucks, wagons, carriages, coaches, omnibuses and other vehicles kept for hire or for the transportation of persons or property for hire and to prescribe and fix the rates thereof; to license, tax and regulate, or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers; to license, regulate or restrain drinking saloons, beer shops, brewers and other places where intoxicating or other beverages are sold or disposed of: (*Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medical purposes.) To license, tax and regulate wash-houses, and to prescribe and designate places for carrying on the same; and to license and tax hotels, restaurants, lodging houses and livery stables: *Provided,* That no tax shall be imposed or license required for the sale of any of the actual products of the country: *Provided further,* That 50 per cent. of all moneys received for licenses to sell liquors shall be paid into the county treasury and 50 per cent. retained in the city treasury, collected within said city.

SEC. 19. The city shall have power to establish and maintain a day and night police and to provide for the election or appointment of such number of police officers as may be necessary, who shall have full power and authority to make arrests with or without warrants and within or without the limits of the city, and such police officer shall also have authority to summon aid and to exercise all powers necessary and requisite for the prevention of crime and apprehension of offenders, and in all cases where arrests are made for offenses against the general laws of this Territory, such police officers shall be entitled to charge and receive the same fees as are allowed to sheriffs and constables for similar services.

SEC. 20. The city shall have power to prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill fame and gambling houses, and to authorize the

destruction of all instruments or device used for purposes of gambling; to regulate the transportation, storing and keeping of gunpowder and other combustibles and to provide or license magazines for the same; to prevent and punish immoderate or fast riding or driving horses or other animals through the streets or other public places; to regulate the speed of trains and locomotives on railways over the streets or through the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and the persons and property of the inhabitants thereof, and to preserve peace and order therein.

SEC. 21. The city shall have power to provide cemeteries and to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred within the city limits to be taken up and buried without the city limits, and shall have power to establish cemeteries or burial grounds without the city limits, and have authority and jurisdiction over the same, necessary to the safety, preservation and ornamenting the same.

SEC. 22. The city shall have power to establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

SEC. 23. The city shall have power to adopt proper ordinances for the government of the city, and to carry into effect the power and authority given by this act, and to provide for the punishment of violations of ordinances of the city by fine, not exceeding one hundred dollars, or imprisonment for not more than thirty days, or by both fine and imprisonment, or by forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment, or committed in default of payment of any such fine or costs upon the streets or public grounds of said city, during the term thereof.

SEC. 24. The City shall have power to establish and regulate the fees, and compensation of all its officers, except when otherwise provided by law, and shall have such other power, authority and privileges, not herein specially enumerated, as are incident to municipal corporations of like character and degree not inconsistent with the laws of the United States or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER III.

GOVERNMENT.

SEC. 25. The power and authority hereby given to the city by this act shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 26. The common council shall consist of seven members. They shall be elected for two years, and shall hold their offices until their successors are elected and qualified: *Provided, however,* That the

common council may at any time divide the city into seven wards and provide for the election of one member of the council by the qualified electors therein.

SEC. 27. The mayor shall be elected for two years and shall hold his office until his successor is elected and qualified.

SEC. 28. There shall be elected as hereinafter provided a justice of the peace, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner and an assessor, who shall be officers of the corporation. The marshal shall be appointed by the council, and shall hold his office for two years, and until his successor is elected and qualified. The common council shall, at its first meeting after its members have qualified, and thereafter, at the first regular meeting and qualification of the members elected, designate and appoint a justice of the peace, who shall have been duly elected or appointed and qualified according to law, for any precinct, the whole or any part of which is within the corporate limits of the city, who shall be the justice of the peace of the city, and who shall keep his office therein, and shall have jurisdiction in all cases of the violation of any ordinance of the city, and over all crimes and offenses defined by any such ordinances, and shall have full power and authority to hear, try and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All criminal and civil proceedings before such justice of the peace, under or by authority of this act, shall be governed and regulated by the general laws of this territory, relating to justices of the peace and to their jurisdiction and practice, and shall be subject to review in the district court of the proper district, by appeal or *certiorari*, the same as other cases tried or determined before justices of the peace. The attorney, clerk, marshal, treasurer, health officer, surveyor, street commissioner and the assessor shall be elected by the common council at the meeting above specified. They shall qualify by taking an oath of office and by giving such bonds for the faithful performance of the duties of their respective offices within ten days after receiving notice of their appointment, and they shall be liable at any time to be removed by the council for malfeasance, misfeasance, nonfeasance or incompetency.

SEC. 29. No person shall be eligible to any office in the corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector, under the general laws of Washington Territory, and who has not resided in the city for six months next before his election or appointment.

CHAPTER IV.

ELECTIONS.

SEC. 30. There shall be a general election for all city officers, required to be elected under this act, on the first Monday of November, 1883, and on the same day of November every two years thereafter.

SEC. 31. No person is qualified to vote at any election under this act who do not possess the qualifications required by section 29 of this act, for officers, and who, if under the age of fifty years, has not paid either a poll or property tax in the city for the fiscal year last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when payment of such taxes may be proved by the oath of the person offering to vote. And all officers, required to be elected by this act, except those elected by the common council, shall be elected by the qualified electors of the city.

SEC. 32. At all elections for city officers the vote shall be by ballot at the time and place designated by the common council.

SEC. 33. The city clerk, under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in the city, or by publication in some newspaper published in the city, of such general election, specifying the officers to be elected, the place or places designated for holding the election, and the judges and clerks appointed to conduct the same.

SEC. 34. All elections shall commence at nine o'clock A. M., and continue until five o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters then present may elect another in his place, and if any clerk fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 35. Judges and clerks of election, must possess the qualifications of voters, but a mistake or error in this respect, or a failure to give notice as required by section 33 of this act, shall not invalidate any election otherwise legal.

SEC. 36. At the first regular meeting of the common council, next after such election, the returns thereof shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the presiding officer of the council and attested by the clerk, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for each person for any office, and the names of persons elected and to what office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the city council shall give notice to the several persons so having the highest and an equal number of votes, to attend the council chamber at an appointed time, and the council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 37. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 38. A certificate of election is primary evidence of the facts

therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined by the council according to the laws of the territory regulating proceedings in contested elections for county officers.

SEC. 39. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council and terminate accordingly, except as otherwise provided by this act; and by which time, such person must qualify by taking and filing the oath of office, and give such official bond or undertaking for the faithful discharge of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 40. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, and the organic act and laws of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of —, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 41. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 42. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required. The office of the mayor, clerk, treasurer and assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent from the city for the period of sixty days. The office of marshal and justice of the peace shall be deemed vacant whenever the incumbent shall be absent from the city for the period of twenty days. The office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council first obtained. A vacancy in any office shall be filled by the council at a regular meeting.

SEC. 43. An officer appointed to fill a vacancy must, within five days after being notified of his appointment by the clerk, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 44. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 45. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to any time prior thereto, and it may be convened by the mayor at any time upon six hours' notice given to each of its members.

SEC. 46. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 47. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings and on call of any one of its members must cause the yeas and nays to be taken, and entered in the journal upon any question before it. But upon a motion to adjourn the yeas and nays shall not be taken except upon the call of four members.

SEC. 48. The council may punish any member for disobedience or disorderly conduct at any meeting or for refusing or neglecting to attend any regular or special meeting without sufficient cause therefor, and may, by a vote of five-sevenths of its members, expel a member.

SEC. 49. The mayor is ex-officio president of the council, and shall preside over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and to determine the order of business, subject to such rule and to an appeal to the council. If the mayor should be absent from any meeting of the council, the council must appoint one of its own number president to serve during the meeting, or until the mayor attends.

SEC. 50. On the tenth day after any general election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 51. A majority of the whole number constituting the council, as provided by law, is a majority of the council or members thereof within the meaning of this act and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance, or the expulsion of a member as in section forty-eight of this act provided.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 52. The mayor is the executive officer of the corporation. It is his duty, annually, at the first regular meeting in each year, to com-

municate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make such special communications to the council, from time to time, as he may think proper and useful.

SEC. 53. The mayor shall take and approve all official bonds and undertakings which the ordinances of the city may require any officer to give as security for the faithful performance of his duty, or which may be required of any contractor for the faithful performance of his contract, and when he approves any bond or undertaking, he must immediately file the same with the clerk.

SEC. 54. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 55. Any ordinance which shall have passed the council, shall, before it becomes a law, or of any force or validity, be presented to the mayor for his approval. If he approves he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, five-sevenths of the members of the council shall agree to pass the same, it shall become a law, and if the mayor fails to return the same within said ten days, it shall be deemed approved and become a law.

SEC. 56. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VIII.

SEC. 57. The city attorney shall represent the city in all suits, and proceedings, in which the city is legally interested, and shall give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council, but the city may employ assistant counsel when deemed advisable by it.

SEC. 58. It shall be the duty of the clerk to keep a correct and true record of the proceedings of the city council and file and safely keep and preserve all papers and books pertaining to his office. The clerk shall be authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 59. All demands and accounts against the city shall be filed with the clerk, with the necessary evidence in support thereof, and he must submit the same to the council, at the next meeting who shall, by a vote, direct whether the same shall be paid, or any part thereof, as they shall deem right and proper.

SEC. 60. When the council orders any demand or account against the city to be paid, if money has been appropriated for that purpose, and

not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant shall be drawn up on the general or special fund appropriated therefor, and signed by the mayor and attested by the clerk, under the seal of the city.

SEC. 61. The clerk must keep proper books of account, showing therein all sums of money appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all other matters or things as may be prescribed or required by ordinance or proper or necessary to a correct understanding of the finances of the city.

SEC. 62. The treasurer is receiver of taxes, and shall receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the clerk.

SEC. 63. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any special object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 64. The treasurer must make a report of the receipts and expenditures to the common council at their first regular meeting in January and July of each year, which report shall be published in some newspaper in the city.

SEC. 65. The assessor must annually make a correct list of all the property within the corporate limits of the city, subject to taxation by the city, with the valuation thereof, and certify and return the same to the clerk, unless otherwise ordered by the council.

SEC. 66. Any person feeling himself aggrieved by any such assessment, either in the valuation or listing of his property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous or unjust they shall correct it. The party applying for such correction may be examined as a witness in relation to the matter if he desires it, or the council require it.

SEC. 67. The assessment must be made on the property and in the manner designated and prescribed by law for assessing property for territorial and county taxes. But the form of the assessment roll, and the rule for ascertaining the ownership of property and in whose name it may be assessed may be prescribed by ordinance, and the time of making such assessment and the return thereof, and of applying to the council for revision thereof must be prescribed by ordinance.

SEC. 68. The marshal is peace officer, and must execute all process issued by the justice of the peace of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the court of said justice of the peace and meetings of the council. He has power by and with the approval of the council, to appoint one or more deputies, who shall possess the same powers of the marshal, except that they shall not have power to appoint any deputy. He shall make arrests for breach of the peace or commission of crime within the city limits, with or without warrant, as a peace officer may do under the laws of the ter-

ritory, and may pursue and arrest persons without the city limits for crimes or offenses committed therein. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison and house of correction, unless otherwise provided by ordinance.

SEC. 69. The marshal must keep a correct record of all arrests made by him and his deputies, showing the time, cause or complaint upon which the arrest was made, and make a full and complete report, in writing, at its first meeting in each month, to the city council.

SEC. 70. The justice of the peace for the city, designated by the council, shall, before exercising any of the functions of his office as such, give a bond to the city in the sum of one thousand dollars, with two or more sufficient sureties, to be approved by the Mayor, for the faithful performance of the duties of his office. He must keep a proper account of all fines, costs and other moneys received by him when acting under the provisions and by the authority of this act, and he shall pay all such fines and costs into the city treasury on the first day of each month, and take duplicate receipts of the Treasurer therefor, one of which he shall forthwith file with the clerk of the common council.

SEC. 71. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 72. The official books and papers of all the city officers are city property, and shall be kept as such by said officers during their continuance in office, and shall, upon the expiration of their office, be delivered to their successors.

SEC. 73. The official books and papers of any officer mentioned in this act may be inspected at any time by the council, or by any committee appointed by the council for that purpose.

CHAPTER IX.

OF ORDINANCES.

SEC. 74. The style of all ordinances shall be "The city of Vancouver does ordain as follows:" All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all the members of the council. No ordinance shall embrace more than one subject and that shall be expressed in the title, and no ordinance, or section thereof, shall be revised or amended unless the new ordinance or section contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 75. All ordinances shall, as soon as may be after their passage, be recorded in a book kept by the clerk for that purpose and be authenticated by the presiding officer of the council and the clerk, and all ordinances of a general nature or permanent character, and those imposing any penalty or forfeiture, shall be published in the newspaper doing the city printing.

CHAPTER X.

ASSESSING AND COLLECTING FOR STREET GRADES AND IMPROVEMENTS.

SEC. 76. The city council, whenever it deems it expedient to establish or alter the grade of any street of the city, or to make any improvement thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor; and the said survey, diagram and estimate shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of the intention to grade, pave or otherwise improve said street and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the newspaper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 77. If within ten days from the final publication of such notice, two-thirds in number of the persons owning property on said street and representing one-half of the property in said street shall file with the city clerk a remonstrance against said improvements, grade or alteration the same shall not be further proceeded with.

SEC. 78. If no such remonstrance be made and filed, as in the last section provided, the council, at its earliest convenience thereafter, and within four months from the publication of such notice, may establish the proposed grade and proceed to make the proposed improvements.

SEC. 79. In all cases when the council shall, by ordinance, order the improvement of any street or the alteration of the grade of any street and the cost thereof has been duly estimated as herein provided, they shall, before proceeding with the execution of the work, cause an appraisalment of the lots and land abutting on said street adjacent to said improvement and assessable for the costs thereof, as follows: An assessor shall be appointed by the council and sworn to appraise all lots and parts of lots and lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling or other improvements shall be assessed *pro rata*, on said lots or parts thereof, and lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof, shall be made out by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the newspaper doing the city printing for two weeks consecutively. Such statement shall show the name of the owner of each lot, if known; the number of a lot or part of a lot or other land; the number of the block, if numbered, and the value of such lots, parts of lots and other land respectively.

SEC. 80. Any person considering himself aggrieved by such appraisalment and assessment, may apply to the city council at its first regular meeting after the publication of said notice, for a modification

of said assessment or appraisal, and the city council may amend the same, as may seem just.

SEC. 81. When the tabulated statement, mentioned in section 79, of this act, has been approved by the council, the same shall be recorded in the office of the county auditor, of the county of Clarke, in the record of liens on real property, and shall be and remain a lien on the lots, parts of lots and lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk shall enter on said record of liens a release and satisfaction thereof, which release and satisfaction shall be entered in the margin of said record opposite the lots, parts of lots or other lands so released.

SEC. 82. When the city council shall have duly approved of said assessments and apportioned the cost of the improvement, it shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the newspaper doing the city printing, that said assessment is due and payable to the city treasurer. The clerk shall make out and deliver to the treasurer a certified copy of said appraisal and assessment, who shall proceed to collect the same in the same manner as other city taxes are collected, except as is herein otherwise provided.

SEC. 83. If within ten days after the publication of said last named notice, the sum assessed upon any lot, part of lot or other land is not paid to the treasurer, the city council may at any time thereafter order a warrant for the collection of the same to be issued by the city clerk directed to the city marshal.

SEC. 84. Such warrant must require the city marshal to forthwith levy upon the lot, part of lot or other land upon which the assessment is unpaid, and sell the same in the manner provided by law for the sale of real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the city clerk with his doings thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 85. The person executing such warrant shall immediately make a deed for the property sold to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 86. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 87. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien holder the

amount so paid shall form part of his lien and bear the same rate of interest.

SEC. 88. A sale of real property under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown.

SEC. 89. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such percentage, costs or fees.

SEC. 90. All money paid or collected upon assessment for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed from the time of being entered in the record of liens, shall bear interest at the legal rate until paid.

SEC. 91. If upon the completion of any improvement of any street or alley it is found that the sum assessed therefor is insufficient to defray the costs thereof, the city council must ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement the same shall be repaid to the parties owning the property or their representatives.

SEC. 92. For the purpose of making the appraisalment specified in section 79 of this act, the city council may establish assessment districts, consisting of the whole of any street or parts thereof benefited by said improvements.

SEC. 93. Whenever any lot or part thereof shall be sold for more than the amount assessed thereon, including the costs of sale, the surplus must be paid into the city treasury, and the person executing the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council, be entitled to a warrant for the same.

SEC. 94. The deed to the purchaser must express the true consideration therefor, and the return of the person executing such warrant must specify the amount for which the lot or parcel of land was sold and the name of the purchaser.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 95. Whenever any general or special tax has been levied as provided by chapter two of this act, every part thereof shall bear inter-

est at the rate of ten per cent. per annum, from the time it is due and payable until paid or collected, and shall be a lien from said time upon any real property owned by the party assessed.

SEC. 96. The council shall provide by ordinance within what time all taxes levied as provided and authorized by the provisions of chapter two of this act may be paid to the treasurer, and all taxes not paid to the treasurer within such time are thereafter delinquent taxes and shall be collected as such, with interest and ten per cent. in addition as a penalty thereon.

SEC. 97. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer shall return the tax roll to the council, distinguishing thereon the taxes paid and those remaining delinquent.

SEC. 98. The council, upon receiving the tax roll from the treasurer, shall order the city clerk to annex thereto a warrant under his hand and the seal of the city, and directed to the marshal, commanding him to proceed and forthwith to collect the delinquent taxes on said roll in the manner provided by law, and pay the same to the treasurer, less his fees and the costs of collecting, and return the warrant, with his doings endorsed thereon. The clerk shall deliver said delinquent tax roll with the warrant to the marshal.

SEC. 99. The warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property and shall have the force and effect thereof against any person or corporation against whom such taxes are levied or charged on the tax roll and against their property, and shall be executed and returned in like manner except as in this chapter otherwise provided.

SEC. 100. If personal property be not found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it shall be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and of executing such warrant.

SEC. 101. In case of delinquent tax levied upon real property in the name of an unknown owner, the warrant shall be executed by levying upon each lot, or part thereof, or other land, for the tax levied thereon, and selling the same separately.

SEC. 102. All taxes heretofore levied by the city of Vancouver and remaining unpaid or delinquent, may be collected by warrant, upon the order of the city council, from the person, firm or corporation, whether known or unknown, against whom the same is charged or levied, in the same manner and with like effect, as in this chapter is provided for the collection of other delinquent taxes.

SEC. 103. When real property is sold for delinquent taxes, the person executing the warrant shall immediately make a deed to the purchaser, therefor, stating therein that the same is made subject to redemption as provided by law, and such deed shall have the effect provided in section eighty-eight of this act.

SEC. 104. Real property sold for delinquent taxes, as provided for in this chapter, may be redeemed by the owner or his successor in interest, or any person having a lien of any kind thereon or any part thereof, separately sold, within three years from the date of the deed therefor, and upon the terms and conditions, and with the effect provided in chapter ten of this act in the case of sale of real property for delinquent assessments for the improvement of streets; and such delinquent tax may be paid by such lien creditors in the same manner, and with like effect, as a delinquent assessment, as provided in sections eighty-six and eighty-seven of this act.

SEC. 105. Whenever any real or personal property, sold for delinquent taxes, shall bring more than the amount of such tax, with interest, and the cost and charges of collection, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the city clerk on the return of the warrant. At any time thereafter the owner of the property sold, or his legal representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 106. Section ninety-four shall apply to the sale of real property for delinquent taxes, and in the case of the sale of personal property for such taxes, the true consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant, must specify such consideration and the name of the purchaser.

SEC. 107. The council may provide by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for the collection of delinquent taxes must be made on the warrant and collected as a part of the tax. The council may prescribe by ordinance the fees and compensation for collecting delinquent taxes but the same shall in no case be paid out of the city treasury.

SEC. 108. All property subject to levy and sale on execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxes, as provided by this act, whether the same be exempt from execution or not. The city marshal shall, on entering upon the discharge of his duties as tax collector, give a bond to the city in a sum to be fixed by the council, not less than two thousand dollars, conditioned for the faithful performance of his duties as such tax collector, and that he will pay over the moneys collected by him as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 109. The city of Vancouver shall not be bound by any contract, or in any way made liable thereon, unless the same be authorized by city ordinance and made in writing, by order of the council,

and signed by the clerk, or some other person on behalf of the city duly authorized. But an ordinance may authorize any officer of the city or agent, naming him, to bind the city without contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

SEC. 110. The city of Vancouver shall not be liable to any one for loss or injury to person or property growing out of any casualty or accident happening to any such person or property on account of the condition of any street or other public grounds therein, but this section shall not exonerate any officer of the city, or any other person from such liability, when such casualty is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 111. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by an ordinance; and an ordinance appropriating money, shall not contain any provision upon any other subject, and if it does, such ordinance, as to such other provision, shall be void, and not otherwise.

SEC. 112. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 113. The fiscal year of the city shall commence on the first day of January and end on the last day of December.

SEC. 114. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 115. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes to furnish the inhabitants of the city with light, to any person, association of persons or corporation for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such right as may be deemed right and proper and not inconsistent with law.

SEC. 116. In making a deed for real property, sold for delinquent taxes, it shall not be necessary to recite or set out the proceedings prior to the sale, but it shall be sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for delinquent taxes, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The warrant for the collection of delinquent taxes shall be and run in the name of the city of Vancouver.

SEC. 117. The mayor and councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 118. All real property within the limits of the city not laid off in blocks or lots at the time of making any assessment authorized by this act, must be assessed at its cash value per acre or fractional part thereof, as the case may be.

SEC. 119. The city council shall designate and fix the number of councilmen to be elected in each ward, and provide places for holding elections in each, and appoint officers for conducting the elections.

SEC. 120. No street, or highway shall be extended, widened, altered or vacated except on petition to the common council, signed by a majority of the resident owners of real estate, in or through which such street or highway is proposed to be extended, widened or vacated, or unless at a regular meeting of the council, at least five members vote in favor of the same.

SEC. 121. When the grade of any street, or highway shall have been established by authority of the city and any person or persons shall have built, or made improvements on such street, or highway and the city shall afterwards change the established grade, or shall change the boundary lines of any block, street, or highway in such manner as to injure or diminish the value of the property, which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage, and when the parties injured are unable to agree with the city council, as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties, according to the best of their ability. They shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained over and above the additional value of the property, by reason of the change or improvement. They shall sign their report and deliver the same to the clerk of the district court of the county or district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed, and upon motion, the party entitled shall have judgment entered therefor. If the damages so assessed be excessive or insufficient the clerk of the district court having said assessment, upon the written request of the city, or any person considering himself aggrieved, filed with him within said twenty days, enter the case upon the trial docket for the next term of the said district court. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleadings in a civil action may be filed, and such special pleadings as the court may allow, and the issues thus formed shall be tried as other civil actions in said court. The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers, or the said action has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced, otherwise the costs shall be taxed against the party claiming damages.

SEC. 122. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, as provided in section ten of this act, the assessment upon the various lots, parts of lots or parcels of land so charged

and the appraisal of damages to be paid to the owner of the property condemned, shall be made by three disinterested persons, one of whom shall be appointed by the common council, one by the owner or owners of property, subject to assessment, and one by the owner or owners of the property condemned or damaged, or if either or both of said classes of property owners fail or refuse to make such appointment of appraisers after ten days' notice, in writing, so to do, which notice shall be given in the manner prescribed in the ordinance providing for such condemnation of property, either or both such appointments may be made by the common council. The persons so appointed shall be sworn to discharge the duties of their appointment faithfully and impartially, by any officer authorized to administer oaths and shall proceed in making the assessments, and shall report within the time and in the manner prescribed for appraisers in the preceding section. Their award shall be final unless objection is made within twenty days from the time of the return thereof, to the clerk of the district court. Any party aggrieved by the award may, upon filing a notice thereof, have the case docketed for trial at the next term of said court. When the issue in such cases is between an owner or owners of property condemned or damaged and the city, such party shall be the plaintiff and the city shall be defendant; and when the issues to be tried relate to excessive or unfair assessment upon property, the city shall be plaintiff and the owner of the property defendant. The issues shall be made up, the case tried and determined, and the costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city, all costs of appraisements and other proceedings under this section, shall be added to the gross amount to be raised by assessment and collected from the several property holders in the same proportion as said gross amount, and said assessments and costs shall be a lien upon the property therewith charged.

SEC. 123. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of the territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 124. All debts, credits, liabilities, claims and demands, both in favor of and against the inhabitants of the city of Vancouver, shall, upon the passage and approval of this act, inure to and become and be the debts, credits, liabilities, claims and demands of the city of Vancouver, and all persons having or holding any such debts, liabilities, claims or demands, shall have the same rights and remedies therefor in law or equity, that they might or could have had against the inhabitants of the said town of Vancouver, and the city of Vancouver shall have the same remedies for the recovery of all debts, claims and demands in favor of or owing to said inhabitants of the city of Vancouver, that said inhabitants might or could have had if this act had not passed.

SEC. 125. All debts and liabilities, credits, claims and demands, both in favor of and against the city of Vancouver, shall, upon the taking effect of this act, inure to, become and be the debts, claims, liabilities

and demands of the city of Vancouver, and all persons having or holding such debts, liabilities, claims or demands against said city, shall have the same remedies therefor they might or could have had against said city, and the city of Vancouver shall have the same remedies and right of action for the recovery of all debts, claims and demands in favor of or owing to, said city of Vancouver, that said city might or could have had if this act had not been passed.

SEC. 126. All taxes heretofore levied by the city of Vancouver, and remaining unpaid or delinquent shall be paid to the city of Vancouver, as in this act provided for the payment of taxes, and such taxes may, by order of the common council, be collected from the person, firm or corporation, whether known or unknown, against whom the same was assessed, levied or charged by warrant, in the same manner and with like effect provided in this act for the collection of delinquent taxes.

SEC. 127. The clerk, treasurer, recorder and marshal of the city of Vancouver shall, at the first meeting of the common council under this act, turn over and deliver to the said common council all books, papers, moneys, records, property and effects in their possession or under their control as such officers, belonging to said city, and the same shall belong to and be the property of the city of Vancouver as incorporated under this act.

SEC. 128. All valid ordinances of the city of Vancouver, when this act takes effect, shall be and remain in full force after this act takes effect and until the same are repealed, and all rights vested and liabilities incurred when this act takes effect, shall not thereby be lost, impaired or discharged.

SEC. 129. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 130. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved October 27, 1883.

AN ACT

TO INCORPORATE THE CITY OF YAKIMA.

ARTICLE I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the city of Yakima 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 inter-

sects 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.

SEC. 2. The inhabitants of the city of Yakima, within the limits above described, shall be and are hereby constituted a body politic, and corporate in fact and in law, by the name and style of the "city of Yakima," 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.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

SECTION 1. The government of said city shall be vested in a mayor, a common council, consisting of five members, who shall be elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. And there shall be a city justice of the peace, who shall be one of the legally elected and qualified justices of the peace of the precinct in which said city is situated, and shall be designated by the common council, at their first regular meeting after each city election, and after the qualification of the new members elected at any annual city election. The justice of the peace so designated by the common council, shall have jurisdiction over all crimes, defined by any ordinance of the city, and of all actions brought to enforce or recover any penalty or forfeit, declared or given by such ordinances, and full power and authority to hear and determine causes, civil and criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All civil and criminal proceeding before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of this territory, relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court of the proper district by *certiorari*, or appeal, the same as other causes, and until such designation and appointment

of a justice of the peace, for said city as hereinbefore provided at the first regular meeting of the common council, after the first regular election of said council, on the first Monday of May, A. D. 1884, F. I. Parker one of the justices of the peace for Yakima precinct, in which said city is situated, is hereby designated and appointed the justice of the peace of said city.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year and oftener if he shall deem it advisable, a general statement of the condition of the city, as to finances, government and property and to recommend the adoption of such means as he may think advisable to promote the interest and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and to examine into all complaints which may be made or preferred upon oath against any of them for a violation or neglect of duty and certify the same to the common council, who shall act upon the same, and if they find the complaint true and cause sufficient, shall have power to declare the office of the person so complained against to be vacant and the same shall be filled as is hereinafter provided, and the mayor shall generally perform all such duties as may be prescribed by the charter and city ordinances, and the laws of the United States and this territory.

SEC. 2. There shall be a city treasurer, clerk and marshal, to be appointed by the common council with the approval of the mayor and who shall hold their offices during the pleasure of the council, and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officer appointed under this section except those herein named, unless the office is established by ordinance.

SEC. 3. The treasurer shall receive and carefully keep all moneys belonging to the city and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements showing the source from which the moneys came and the persons to whom it was paid with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall at the end of each fiscal year, and as much oftener as the council shall require, make out and present to the council a full and correct statement of the expenditures and receipts of the preceding year, or of the time since the last preceding account was made. He shall also perform such other duties as may by ordinance be prescribed.

SEC. 4. The clerk shall attend the meetings of the common council and keep a correct journal of the proceedings thereof. He shall also

be *ex-officio* assessor of the city and within such time as shall by ordinance be provided make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof, and the names of the persons to be taxed therefor. The mode of making said lists, ascertaining the value of the property and collecting the taxes, shall, as nearly as may be practicable, be the same as prescribed by law, for assessing and collecting territorial and county taxes. He shall be the custodian of the records and seal of the city and shall authenticate its public acts. The marshal shall attend upon the meetings of the common council. He shall arrest all persons guilty of a breach of the peace or the violation of any city ordinance and bring them before the proper tribunal for trial or examination and shall exercise control over the peace and quiet of the city. He shall collect city taxes and discharge such other duties as may be by ordinance prescribed. He may appoint as many deputies as he shall see fit; such appointment to be approved by the mayor.

SEC. 5. If any person elected to, or holding any city office, shall, without leave of the council, absent himself from the city, for more than thirty days, or fail to qualify within ten days after he shall have been elected, his office shall be deemed vacant and a resolution of the common council declaring such office vacant shall be final and conclusive.

SEC. 6. The common council shall by ordinance define the duties of all officers not herein prescribed.

ARTICLE IV.

OF THE ELECTIONS OF OFFICERS AND OF THE FILLING OF VACANCIES.

SECTION 1. A general election for all the officers of this corporation required by this act to be elected, shall be held on the first Monday in May in each year.

SEC. 2. All elections shall be by ballot at such places as shall be designated by ordinance, and shall continue but one day, and the polls shall be open from nine o'clock in the morning, until four o'clock in the evening. The polls may be closed from 12 until one o'clock, at the option of the judges.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, and to designate the place or places of holding the same, and to give at least ten days' notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the territory. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council at its next meeting after the election, which meeting shall be on the second Monday of May, when the votes shall be publicly examined, and the common council shall declare the result. The city clerk shall thereupon give certificates of election, to the persons having a plurality of votes. In case

of a tie between two candidates for the same office, the choice shall be determined by the council by vote.

SEC. 4. All vacancies shall be filled by the common council by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Any male citizen, who has resided in the Territory of Washington six months, and within the corporate limits of the city of Yakima for ninety days, next preceding any election, shall be a qualified elector at any city election.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and members of the common council, clerk and marshal, and all other officers elected or appointed under this act, shall be qualified, within ten days after their election or appointment, and shall enter upon the discharge of their duties. The term of the mayor and councilmen, to commence ten days after the election.

SEC. 2. The common council elected under this act, shall assemble ten days after their election, and choose one of their number as presiding officer, and should such presiding officer be absent at any subsequent time one of the council present shall be appointed presiding officer *pro tem*. The common council shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum, to transact business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, in such manner, and under such penalties, as the council may have previously prescribed. They shall judge of the qualifications, elections and returns of their own members, and of the other officers, elected or appointed under this act, to determine contested elections. They may establish rules for their own proceedings, punish any member, or any person, for disorderly conduct in their presence, at any meeting of the council, and with the concurrence of two-thirds of all the members elect, may for good cause, expel a member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

THE POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city.

1. To make by-laws and ordinances not repugnant to the laws of the United States or this territory.

2. To levy and collect taxes not exceeding one per cent. per annum, upon all property made taxable by law for county and territorial purposes: *Provided*, That if any person at any time after the annual assessment shall commence the sale of goods, wares or merchandise within said city, such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year, after he shall so commence, proportional to the amount levied or assessed for city purposes for the year: *And, provided further*, That no tax shall be levied upon the value of articles, the growth and produce of this territory which are brought into said city and sold.

3. To regulate and restrict and prevent the introduction of contagious or other diseases into the city.

4. To establish hospitals and make regulations for the government of the same and to secure the general health of the inhabitants.

5. To prevent and remove nuisances.

6. To erect water works either within or beyond the limits of the city and to provide the city with water for the extinguishment of fires and for the use of the inhabitants in such a manner as may be deemed most suitable.

7. To licence, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawn brokers, saloons or places for the retailing of spirituous, malt, or fermented liquors, bar rooms or billiard tables, theatrical or other exhibitions, shows and amusements, runners for hotels or vessels, porters, teamsters, hackmen, draymen, truckmen and fix the rate of portorage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rates to be charged for the carriage of persons and property.

8. To prevent hogs or other live stock from running at large, within the limits of the city.

9. To provide for the prevention and extinguishment of fires, and to organize a fire department.

10. To appoint five wardens and prescribe their duties; and to compel any person or persons present, to aid in extinguishing fires, or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine or forfeiture for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed sixty days: *Provided, further*, That in case of inability to, or refusal to pay a fine, one day's imprisonment may be imposed for each two dollars of fine: *And provide further*, That prisoners may be required to labor under such regulations and restrictions as may be by ordinance prescribed.

13. To erect a work house or house of correction, and provide for the government and regulation thereof.

14. To remove all obstructions from streets, alleys, side and cross-walks, and provide for the construction, cleaning and repair of the same, as well as all sewers, gutters, water courses and under ground drainage,

and to require parties owning or occupying premises, to clean and remove obstructions from streets, alleys, cross and sidewalks, adjoining the property owned or occupied by them, and to levy a tax on persons and property particularly benefited by the construction or repair of streets, side and cross-walks, sewers and gutters and drains, with or without a general tax, for general benefit of such works.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a night watch and patrol, and to provide a city jail.

17. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of two thousand dollars, no further debt shall be created, except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

18. To regulate the storage of gunpowder, saltpetre, pitch, tar, rosin, petroleum, kerosene, and all other combustible materials, and the use of candles, lamps, fire or other lights in shops, stables and other dangerous places; to regulate, prevent, remove or screen any fire place, stove pipe, chimney, defective flue, oven, boiler, or other apparatus which may be dangerous in causing fire.

19. To prescribe the manner of building party walls and fences.

20. To prevent or restrain any riot, disturbances, or disorderly assemblage or any indecent conduct in any street, house or place in the city.

21. To provide for the collection and receiving by the city of all money authorized by law, or which may be authorized to be assessed and collected for school purposes within the city, which when collected shall be under the control of the mayor and council, and be by them laid out in establishing and supporting schools in said city in such manner as they shall deem most expedient.

22. To provide for the collection and receiving by said city of all poll taxes, all road taxes and road labor and the expenditure and using the same, upon the roads and streets of the city, and for this purpose the city shall constitute a road district.

23. All moneys received for licenses, fines and taxes, shall be paid into the city treasury, and constitute its general fund: *Provided*, That this shall not include money collected for road and school purposes.

24. The mayor and common council shall also have power by ordinance, to regulate or prohibit bawdy or whorehouses in the the city, and shall have power to pass ordinances, for the punishment of persons guilty of using obscene language within the city.

SEC. 2. Any ordinance which shall have been passed by the common council, shall before it becomes valid, be presented to the mayor for his approbation. If he approves it he shall sign it, if not, he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then reconsider the same. If, on such reconsideration, three members of the council shall vote for the same, it shall become an ordinance. In all such cases, the

yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance, within seven days after it shall have been presented to him for his approval, it shall become effective as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council and shall be paid by the treasurer on the warrant of the presiding officer of the council countersigned by the mayor.

SEC. 4. The presiding officer of the council shall exercise the duties of mayor whenever said office shall be vacant; or the mayor be absent from the city or from any cause be unable to attend to the duties of his office.

SEC. 5. The style of the city ordinances shall be "The people of the city of Yakima do ordain as follows:"

SEC. 6. The mayor and members of the common council and all other officers of the city shall receive such reasonable compensation for their services, as by ordinance may be provided.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions and ordinances calling for appropriation of money shall lie over seven days.

SEC. 3. The mayor may at any time call a special session of the common council, by proclamation or special notice to the councilmen, and he shall state to them the cause for which they have been convened.

SEC. 4. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expense of which is paid out of the city treasury.

SEC. 5. The fiscal year of the city shall terminate on the last day of March in each year and the city council shall at least one week before the annual election cause to be published a complete and full detailed statement of all moneys received and expended by the corporation, during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

SEC. 6. This act may be amended or repealed at the pleasure of the legislature.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act, until officers can be duly elected at the first election day herein provided for, the following named persons are hereby appointed to the several offices namely: Geo. J. Gervais, Mayor; E. R. Welch, Joseph Bartholet, Sen.,

Thos. J. Redfield, Pardy J. Flint and Sebastian Lauber, members of the common council, who shall hold their office until said election and until their successors are elected and qualified.

SEC. 2. All acts and parts of acts in any manner conflicting with any of the provisions of this act are hereby repealed.

SEC. 3. This act to be in force, from and after its passage and approval.

Approved November 23, 1883.

AN ACT

TO INCORPORATE THE CITY OF AINSWORTH AND TO PARTICULARLY DEFINE THE POWERS THEREOF.

CHAPTER I.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the portion of land lying and being situated in Washington Territory, and more particularly described, to-wit: Beginning in mid-channel of the Columbia river at a point south of where the west boundary of section thirty-three (33), township nine (9) north, of range thirty (30) east, Willamette meridian, intersects the said river; thence running north to the northwest corner of said section thirty-three (33); thence east to the mid channel of the Snake river; thence down said Snake river to the mid-channel of the said Columbia river; thence up said Columbia river to the place of beginning.

SEC. 2. The inhabitants within the city of Ainsworth are hereby constituted and declared to be a municipal corporation by the name and style of the "city of Ainsworth," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Ainsworth has power to assess, levy and collect taxes, for general municipal purposes, not to exceed one half per centum per annum upon all property, both real and personal, within the city which is by law taxable for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes, exclusive of assessments for improvements, as hereinafter provided in sections 5, 7,

8 and 10 of this act, shall not exceed in any one year one and one-half per per centum on the property assessed.

SEC. 4. The city of Ainsworth shall have power to make regulations for prevention of accidents by fire. To organize and establish fire departments and shall have control thereof, and ordain rules for government of the same. To provide fire engines and other apparatus and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year three-tenths of one per centum upon the taxable property within the city, and on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar and iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to such prohibition.

SEC. 5. The city of Ainsworth has power to purchase or condemn, and enter upon and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per cent. in any one year. The city shall have entire control of such buildings and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city on the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 6. The city of Ainsworth has power to provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary and convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the city for the benefit of such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this section, and all such taxes may be assessed upon and collected from property within said limits, or the expenses may be paid out of the general fund.

SEC. 7. The city of Ainsworth shall have power to provide for clearing, opening, graveling, improving and repairing of streets and highways and alleys, and build bridges, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk; also to regulate cellarways and cellar lights or sidewalks within the city,

and to provide for clearing the streets; also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax of not less than four, nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except persons that are a public charge; also a special tax on property of not less than two, nor more than six mills on every dollar's worth of property within the city, which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the county of Whitman or the officers thereof, any road tax or road poll tax upon the property or inhabitants within said city.

SEC. 8. The city of Ainsworth shall have power to construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any streets or streets, highway or highways, alley or alleys therein, or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of lands fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expenses of such improvement, and for such purpose may create and establish assessment districts, and may create and establish such assessment districts for the purpose of purchasing or appropriating any land or constructing any building or bridge and maintaining the same, or improving any park or square or opening any street, or filling any place where stagnant water accumulates, or to abate any nuisance.

SEC. 9. The city of Ainsworth shall have power to cause any person to keep his property or the property he occupies or controls, and the adjacent streets and alleys, clean and free from all things dangerous to health or offensive to the senses, or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit.

SEC. 10. The city of Ainsworth shall have power to provide for the survey of the blocks and streets therein and for making and establishing boundary lines of such blocks and streets and to establish the grades of all streets and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, sufficient to make compensation for all property condemned or damaged, and to authorize or forbid the location and laying down of tracks for railways and street railways, telegraph and telephone appliances on all streets, alleys and public places, and no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley, or public place, upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section 124 of this act.

SEC. 11. The city of Ainsworth shall have power to erect and maintain water-works or to authorize the erection of the same for the

purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, shall vote for the same.

SEC. 12. The city of Ainsworth shall have power to construct or authorize the construction of such water-works without the limits of the city, and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, trenches, pipes and drains, used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken for five miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 13. Said city is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works, and if it shall authorize the construction and operation thereof by individuals or private corporations, it may confer by ordinance upon such person or persons or corporation, the said power to take and appropriate private property for such purpose.

SEC. 14. The city of Ainsworth shall have power to purchase water works already erected, and may mortgage or hypothecate the same to secure to the person or persons from whom the same may be purchased the payment of the purchase price thereof. Said city shall have power to regulate and sell the water thus brought therein, and the moneys arising therefrom shall constitute a fund to be used to defray the expenses of operating the same, and to pay the purchase price thereof, and said city may levy and collect a special tax each year, until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum: *Provided, however,* No such tax shall be levied or collected until the question has been submitted to the qualified electors of said city, and a majority thereof at an annual election shall favor the same.

SEC. 15. The city of Ainsworth shall have power to provide for, and by ordinance adopt, such a system of sewerage as may be needed; but no moneys shall be expended for pipes, mains or lateral, to be used therefor, until the system proposed, and the cost thereof, has been ascertained and submitted for ratification or rejection to the qualified electors of said city at an annual or special election, and the expenditure therefor authorized by a majority of such electors.

SEC. 16. The city of Ainsworth shall have the power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or other diseases, therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, and provide that solvent persons and their estates shall pay for the expense of keeping them in such hospital.

SEC. 17. The city of Ainsworth shall have power to make regulations and pass ordinances preventing domestic and other animals

running at large within the city limits, and restrain, impound and forfeit such animals, and may sell the same when forfeited and apply the proceeds as it deems expedient, and in the case of dogs may cause them to be destroyed or sold when they are found running at large without license, and may also impose a license tax on dogs within the city.

SEC. 18. The city of Ainsworth shall have power to regulate, license and tax all carts, drays, wagons, carriages, coaches and omnibuses and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; to license, regulate and restrain drinking saloons, and beer shops, and breweries or other places where intoxicating or other beverages are sold, or disposed of in less quantities than one gallon: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medicinal purposes; to license, tax and regulate wash houses, and to prescribe and designate places for carrying on the same. And to license and tax all hotels, livery stables, business houses, and wholesale and retail establishments of every kind and description: *Provided,* That no tax shall be imposed, or license required for sale inside of said city of any of the natural products of the country, when sold by the producer.

SEC. 19. The city of Ainsworth has power to establish and maintain a day and night police, which shall consist of the marshal and his deputies, and to regulate their number, pay and duties.

SEC. 20. The city of Ainsworth shall have power to license, regulate or restrain houses of ill-fame, gambling or gaming houses, and to authorize the destruction of gaming devices; to punish and restrain and abate disorderly houses; to regulate the transportation and keeping of gun powder and other combustibles, and to provide for magazines for the keeping thereof, and license, and tax such keeping, and punish any violation of such regulation by fine, imprisonment or forfeiture of the gun-powder or combustible kept or transported contrary to such regulations; to regulate the speed and manner in which animals or vehicles of all kinds, including locomotives or cars, shall be driven or allowed to run through the streets of said city; to prevent riots, assaults, assaults and batteries, or affrays, noisy or disorderly assemblies within said city, and to prevent the maintenance of any thing which is annoying, offensive or unhealthy, whatever its nature, and to prevent all other acts which are misdemeanors at common law or by the statutes of the Territory of Washington.

SEC. 21. The city of Ainsworth shall have power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

SEC. 22. The city of Ainsworth shall have power to establish and regulate markets, to provide for the measuring or weighing of hay, coal or any other articles.

SEC. 23. The city of Ainsworth shall have power to adopt proper ordinances for the government of the city, and to carry into effect the

power given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine not exceeding one hundred dollars and costs, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall be imprisoned, not to exceed one day for every three dollars; and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person while imprisoned as aforesaid, may be compelled to work during the time he is so imprisoned at such hard labor as the marshal shall direct; and the city may also cause the animals found running at large to be impounded, forfeited and sold.

SEC. 24. The city of Ainsworth shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other power and privileges not here specifically enumerated as are incident to municipal corporations.

CHAPTER III.

SEC. 25. The power and authority hereby given to the city of Ainsworth by this act shall be vested in a mayor and council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 26. The council shall consist of five members. They shall be elected for one year and shall hold their office until their successors are elected and qualified.

SEC. 27. The mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 28. There shall be elected, as hereinafter specified, a justice of the peace, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, assessor, sexton, and such other officers as may become necessary for the due execution of the powers herein conferred. The marshal shall be elected by the voters of the city, and hold his office for one year or until his successor is qualified. The other officers enumerated in this section shall be elected by the council annually, at a meeting to be designated by them after the qualification of the members of the board. Such election shall be by ballot. The justice of the peace so elected shall be one of the justices of the peace duly elected under the laws of Washington Territory, and while acting in city matters may hold his office for that purpose anywhere within the city. Such justice of the peace shall have jurisdiction over all crimes defined by any ordinance of the city, and of all other actions brought to enforce or recover any penalty, forfeit declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of this territory relating to justices of the peace, and to their practice and jurisdiction, and shall be

subject to review in the district court of the proper district by certiorari or appeal the same as other cases. All officers elected by the council are subject to removal by that body at any time for cause deemed by them sufficient. The council may appoint at any time a person to fill any one of the above named offices whenever the incumbent thereof is temporarily absent or sick or unable for any cause to act. Such appointment shall, however, cease whenever the disability is removed, and in case the term of office of the city justice shall expire under territorial law, the council may at any time fill the vacancy.

CHAPTER IV.

ELECTIONS.

SEC. 29. There shall be a general election for mayor, marshal and members of the council on the second Monday of July of every year.

SEC. 30. That at all general elections the vote shall be by ballot at the time and place designated by the council, and the inspectors, judges and clerks to conduct the same shall also be appointed by the council.

SEC. 31. The city clerk shall give ten days' notice, by publication in two newspapers, each of different politics, if there be such published in said city, of such election, the officers to be elected, the place or places designated, and the names of the officers by whom the same is to be conducted. If no paper be published, by posting notices in three public places.

SEC. 32. All elections shall commence at nine o'clock A. M., and continue until five o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time the judges of the election may appoint another in his place.

SEC. 33. Inspectors, judges and clerks of election, must possess the qualifications of voters, in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice as required by section 41 of this act, shall not invalidate any election otherwise legal.

SEC. 34. No person is qualified to vote at any election under this act who does not possess the qualifications in section 30 of this act, for officers, and who, if under the age of fifty years, has not paid either a poll or property tax in the city for the fiscal year last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote. And all officers, required to be elected by this act, except those elected by the common council, shall be elected by the qualified voters of this city.

SEC. 35. On the first regular meeting of the council, next after such election, the return thereof shall be canvassed and a written statement of such canvass shall be made and signed by the presiding officer of the council and attested and filed with the clerk. Such written statement shall contain the whole number of votes given at such election,

the number given for any person for any office, and the names of persons elected and to which office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the city council shall give notice to the several persons so having the highest and an equal number of votes, to attend the council chamber at an appointed time, and the said council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 36. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 37. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined by the council according to the laws of the territory regulating proceedings in contested elections for county officers.

SEC. 38. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council and except as otherwise provided by this act; and by such time, such person must qualify by taking and filing the oath of office, and give such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 39. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, and of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of —, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 40. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

SEC. 41. No person is eligible to any office in such municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this territory, and who has not resided in said city for the six months next preceding such election or appointment.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 42. Absence for a period of thirty days without leave shall work a forfeiture of any office: *Provided, however,* Absence on duty pertaining to the office, shall not work such forfeiture. All vacancies in those offices appointed by the council, shall be filled by the council, at a regular meeting.

SEC. 43. An officer appointed to fill a vacancy must, within five days after being notified of his appointment by the clerk, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 44. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 45. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members.

SEC. 46. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 47. The council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies, as modified by the rules last adopted by the legislative council of Washington Territory. It must keep a journal of its proceedings and on call of any one of its members must cause the yeas and nays to be taken, and entered in the journal upon any question before it. But on a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 48. The council may punish any person or member for disorderly conduct, at a meeting of the council, and the manner of proceedings in a case of disorderly conduct, and the penalty must be provided for by ordinance.

SEC. 49. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent from any meet-

ing of the council, the council must appoint one of its own number president to serve during the meeting, or until the mayor attends.

SEC. 50. On the tenth day following any general election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 51. A majority of the whole number of councilmen elected, shall constitute a quorum, and a majority vote of the quorum is sufficient to perform and transact any business of the council except the final passage of an ordinance, or making a general appropriation of money, in which matters it shall require a majority vote of all members elect, and except in cases wherein other provisions of this act provide that a greater number of votes is required: *Provided*, That special payments from a fund already appropriated may be made upon a majority vote of a quorum.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 52. The mayor is the chief executive officer of the corporation; shall have general supervision over all officers, except the street commissioner, who shall be under the control of the committee on streets and public improvements. The mayor shall have power to communicate to the council at any time concerning the condition and state of affairs of the corporation, and recommend such measures as he may deem expedient and proper; has the power of veto and the power to pardon or commute any sentence for the violation of any ordinance. The mayor shall sign all warrants drawn on the city treasury.

SEC. 53. The Mayor shall approve all bonds or undertakings, official or those which may be required by ordinance, or by any contract entered into by the corporation with private individuals. He shall report the same to the council at the next regular meeting thereof, and if disapproved by that body the same shall be void.

SEC. 54. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 55. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval. If he approves he shall sign it; if not, he shall, at the next regular meeting, return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, four-fifths of the members of the council shall agree to pass the same, it shall become a law.

SEC. 56. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 57. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council; the city may employ additional counsel when deemed advisable.

SEC. 58. It shall be the duty of the clerk to keep a correct journal of the proceedings and to file and keep all papers and books of the council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall attest all warrants drawn on the treasurer. He shall also attest any other document when ordered to do so by the council.

SEC. 59. All demands against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall by a vote direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 60. When the council orders any demand or account paid, and not otherwise, the clerk shall draw a warrant on the treasurer for the amount so ordered paid and present the same to the mayor for his signature.

SEC. 61. The clerk must keep proper books showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance or proper and necessary to a correct understanding of the finances of the city.

SEC. 62. The treasurer is receiver of taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the clerk.

SEC. 63. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 64. The treasurer must make a report to the council at the first regular meeting thereof in January and July of each year, which report shall be published in the paper doing the city printing.

SEC. 65. The assessor must annually make a correct list of all property subject to taxation by the city with the valuation thereof.

SEC. 66. Any person feeling aggrieved by the valuation put upon their property by the assessor, or in the listing of the same, may apply to the council to have the same revised or corrected and the council may correct the same if deemed by that body erroneous.

SEC. 67. The assessment of property shall be made in the manner

prescribed by law for assessing property for territorial and county taxes. The form of the assessment roll, the rule for ascertaining the ownership of property, and in whose name it may be assessed, the time of making such assessment, the time for the return thereof, and the time at which application may be made for the revision thereof must be prescribed by ordinance.

SEC. 68. The assessor shall list the lands and improvements and their valuations, and the personal property separately, and shall certify and return the lists to the clerk. After revision the assessment thus made shall be the basis for all taxation for the fiscal year.

SEC. 69. The marshal is peace officer and ex-officio chief of the police, and must execute all processes issued by the justice of the peace of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the court of said justice of the peace and meetings of the council. He has power, by and with the approval of the council, to appoint one or more deputies. He shall make arrests for breach of the peace or for commission of crime within the city limits, with or without warrant. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison. He shall give such bonds to the city as may be prescribed by ordinance for the faithful performance of his duties.

SEC. 70. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report, in writing, to the council at the first regular meeting in each month.

SEC. 71. The justice of the peace of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and with such conditions as the council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the clerk. He shall make a report to the council each month of his doings.

SEC. 72. The powers and duties of all officers of the city shall be as prescribed by ordinance, except as provided herein.

SEC. 73. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 74. The official books of the corporation shall be subject to inspection by any taxpayer thereof.

CHAPTER IX.

ORDINANCES.

SEC. 75. The style of every ordinance shall be—"the city of Ainsworth does ordain as follows:" No ordinance shall contain more than

one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repeating it; but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 76. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer and the clerk, and all of a general nature or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such penalty or forfeiture, to show that no such publication was made and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

SEC. 77. All the courts of the Territory of Washington, holding terms in said city, shall take judicial knowledge of the ordinances of said city, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless there is evidence affirmatively showing that such publication has not been made.

CHAPTER X.

COLLECTING OF ASSESSMENTS FOR STREET GRADES AND IMPROVEMENTS.

SEC. 78. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvements thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor; and the said survey, diagram and estimate shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of intention to grade, pave or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the paper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 79. If within ten days from the final publication two-thirds in number of the persons owning property on said street or alley, and representing one-half of the property in said street or alley, shall file with the city clerk a petition remonstrating against said improvement, grade or alteration the same shall not be further proceeded with.

SEC. 80. If no such remonstrance be made and filed as provided in the last section, the council, at its earliest convenience thereafter, and within six months from the publication of such notice, may establish the proposed grade or make the proposed improvement.

SEC. 81. In all cases when the council shall, by ordinance, order the improvement of any street or alley or the alteration of the grade

of any street and the cost thereof has been duly estimated as herein provided, they shall, before proceeding with the execution of the work, cause an appraisalment of the lots and land abutting on said street adjacent to said improvement and assessable for the costs thereof, as follows: An assessor shall be appointed and sworn to appraise all lots or parts of lots or lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling or other improvement shall be assessed *pro rata*, on said lots or parts thereof, or lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof shall be made by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the paper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known; the number and frontage of each lot, part of a lot or other land; the number of the block, if numbered, and the value of such lots, or parts respectively.

SEC. 82. Any person feeling himself aggrieved by such appraisalment and assessment, may apply to the city council at its first sitting after the publication of said notice, for a modification of said assessment; and the city council shall amend the same as to them may seem just.

SEC. 83. When the tabulated statement, as provided in the preceding section, has been approved by the council, the same shall be recorded in the office of the auditor and recorder of Whitman county, in the book of liens on real property, and shall be and remain a lien on the lots, or parts of lots or lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on the said county record of said liens a release thereof, which shall be made in the margin of said record opposite the lot or land so released, and the said land shall be henceforth discharged from said lien.

SEC. 84. When the city council shall have duly approved of said assessment and apportioned the cost of said improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the paper doing the city printing, that said assessment is due and payable to the city treasurer as aforesaid. The city clerk shall furthermore make out and deliver to the treasurer a copy of said appraisalment and assessment, who shall proceed to collect the same in the same manner as other city taxes, except as is herein otherwise directed.

SEC. 85. If within ten days after the publication of said last named notice, the sum assessed upon any lot or part thereof, is not wholly paid to the city treasurer, the city council may at any time thereafter order a warrant for the collection of the same to be issued by the city clerk directed to the city marshal.

SEC. 86. Such warrant must require the person to whom it is directed to forthwith levy upon the lot or parts thereof upon which the assessment is unpaid, and sell the same in the manner provided by law for selling real estate for delinquent taxes, and return the proceeds of

such sale, less his fees, to the city treasurer, and the warrant to the auditor with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 87. The person executing such warrant shall immediately make a deed for the property sold therein to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 88. Redemption is made by the payment of the purchase money and twenty five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 89. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien creditor the amount so paid shall form part of his lien and bear like interest.

SEC. 90. A sale of real property under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown.

SEC. 91. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such percentage, and costs and fees.

SEC. 92. All money paid or collected upon assessment for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed from the time of being entered in the docket of liens, shall bear interest at the legal rate until paid or collected.

SEC. 93. If upon the completion of any improvement of any street or alley it is found that the sum assessed therefor is insufficient to defray the cost thereof, the city council must ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement the same shall be repaid to the parties owning the property or their representatives.

SEC. 94. For the purpose of making the appraisalment and assessment specified in section 81 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets, or parts thereof, benefited by said improvements.

SEC. 95. Whenever any lot or part thereof shall be sold for more than the sum assessed thereon, including costs of sale, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council, be entitled to a warrant therefor.

SEC. 96. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 97. The assessor shall annually make out a list of the names of all persons within the city liable to pay a road poll tax, as provided in section seven of this act, and at the time of making said list, the assessor shall demand from each person the road poll tax levied for said year by the council, and if said poll tax is then paid, the assessor shall mark the same "paid" on said list, and give to the person so paying a receipt therefor, and the said list shall be returned to the city council with the return of his assessment of property, and he shall pay over to the city treasurer the money received by him, and file his receipt therefor with the city clerk. The said poll tax list shall be given to the city treasurer, and he shall at once proceed to collect the unpaid road poll tax thereon from the persons named on said list. The treasurer shall also place upon said list the names of all persons found within the city liable to pay such poll tax who shall fail to produce a receipt for the payment of a road poll tax for the current year. He shall demand the amount due from each person named upon the list, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale: *Provided*, That any person may pay said poll tax in work upon the streets of the city under the direction of the street commissioner, at the rate of two dollars per day. Any person having men employed, either for himself or a company, shall, when required, provide a list of the names of all such persons so employed liable to pay such road poll tax, and if such employer or agent of the employer shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then such employer or his company shall be liable for the amount of the road poll tax of his or their employes, and shall pay the road poll tax due by such men, or the men so employed, on being notified in writing by the treasurer.

SEC. 98. Whenever any general or special tax has been levied as provided and authorized by chapter two of this charter, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected, and shall be a lien from said date upon any real property owned by the party assessed.

SEC. 99. The council must provide by ordinance within what time all taxes levied as provided and authorized by the provisions of chapter two of this act may be paid to the treasurer, and all taxes not paid to the treasurer within such time are thereafter delinquent taxes and shall be collected as such, and ten per cent. in addition, and interest at ten per cent. annum.

SEC. 100. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer shall return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 101. The council, must thereafter order the city clerk to deliver the tax roll to the city marshal and issue and annex thereto a warrant under the seal of the city and directed to the city marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon said roll in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collecting, and return the warrant, with his doings thereon to the city clerk, together with the receipt of the treasurer, for all moneys collected thereby and paid to the treasurer.

SEC. 102. Such warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property and shall have the force and effect thereof against any person or corporation against whom such taxes are levied or charged on the tax roll and shall be executed and returned in like manner except as in this chapter otherwise provided.

SEC. 103. If personal property be not found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and of executing the warrant.

SEC. 104. In case of delinquent tax levied upon real property in the name of an unknown owner, the warrant shall be executed by levying upon each lot, or part thereof, of such property for the tax levied thereon, and selling it separately.

SEC. 105. All taxes heretofore levied by the city of Ainsworth and remaining unpaid or delinquent, may, by order of the council, be collected from the person, firm or corporation, whether known or unknown, against whom the same is charged or levied, by warrant in the manner and with the effect provided in this chapter for the collection of delinquent taxes.

SEC. 106. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such deed shall have the effect provided in chapter nine of this act.

SEC. 107. Real property sold for taxes, as provided in this chapter, may be redeemed by the owner or his successor in interest, or any person having a lien by judgment, decree or mortgage on such property or

any part thereof, separately sold, within three years from the date of the deed therefor, and upon the terms and conditions, and with the effect provided in chapter nine of this act in the case of sale of real property for delinquent assessments for the improvement of streets; and such delinquent tax may be paid by such lien creditors in the same manner, and with like effect, as a delinquent assessment, as provided in sections eighty-eight and eighty-nine of this act.

SEC. 108. Whenever any real or personal property, sold for delinquent taxes, shall bring more than the amount of such tax, with interest, and the cost and charges of collection, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the city clerk on the return of the warrant. At any time thereafter the owner of the property sold, or his legal representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 109. Section ninety-six shall apply to the sale of real property for delinquent taxes, and in the case of the sale of personal property for such taxes, the consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant, must specify such consideration and the name of the purchaser.

SEC. 110. The council may provide by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for the collection of delinquent taxes must be made on the warrant and collected as a part of the tax. The council may prescribe by ordinance the fees and compensation for collecting delinquent taxes but the same shall in no case be paid out of the treasury of the city.

SEC. 111. All property subject to levy on execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxes, as provided by this charter, whether the same be exempt or not. The city marshal shall, on entering upon the discharge of his duties as tax collector, give a bond to the city of Ainsworth in a sum to be fixed by the council, not less than two thousand dollars, conditioned for the faithful performance of his duties as collector, and that he will pay over all moneys collected by him as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 112. The city of Ainsworth is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance and made in writing, by order of the council, signed by the clerk, or some other person on behalf of the city. But an ordinance may authorize any officer or agent of the city, naming him, to bind the

city without a contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

SEC. 113. When any person or officer or his employer, by affirmative act or by negligence, shall cause any defect in any street, alley, sidewalk, square, bridge or public grounds or building, whereby any accident and damage shall happen by accident to any person or property, the person or officer who, by himself or employer, is guilty of such act or negligence, shall alone be liable for such damage, unless the city, having adequate means, and notice of such defect has failed to cause the same to be repaired or remedied within a reasonable time, in which case the city shall be liable jointly with the wrong doer for such damage, and in an action for damage caused by such neglect of the city the actual wrong doer must be joined with the city as defendant; and a verdict may be returned and judgment rendered against the wrong doer alone when the city has not been guilty of the neglect, aforesaid, or in case the city has been guilty of such neglect, then jointly against the wrong doer and the city. When the judgment is against the wrong doer and the city jointly the execution shall first be satisfied out of the property of the wrong doer in so far as it can be done; and if sufficient property of the wrong doer can not be found, then the city shall pay the same or the residue thereof. In case the city pays said judgment, or any part thereof, it shall be subrogated to the rights of the plaintiffs, as to the judgment, to the extent of such payment. The payment aforesaid from the city, shall be obtained by the presentation to the council of the execution with a certificate of the sheriff, showing his effort and failure to satisfy the same out of the property of the wrong doer, when it shall be the duty of the council to order a warrant drawn on the city treasury upon the general fund for the amount due thereon, which warrant shall be duly drawn and authenticated and paid by the proper city officers in due course as in other cases, and if the council or any officer fails to perform his duties aforesaid it or he may be compelled to do so by mandate from the court from which the execution issued; in an action under this section an attachment may issue against the wrong doer, and in case the city shall notify the plaintiff to attach the property of the wrong doer to secure the payment of the judgment and the plaintiff fails so to do, and the wrong doer disposes of his property that might have been attached before judgment so as in whole or in part to defeat the satisfaction of the execution out of his property, then the city to that extent shall be released.

SEC. 114. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by an ordinance; and an ordinance making an appropriation of money, must not contain a provision upon any other subject: *Provided, always*. That where a fund has been created to be expended for a certain purpose the council may from time to time direct payments to be made therefrom for such purpose without ordinance.

SEC. 115. A member of the council, for words uttered in debate during sessions of the board shall not be questioned in any other place.

SEC. 116. The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

SEC. 117. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 118. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes intended to furnish the inhabitants of said city with light, to any person, or association of persons for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such exclusive right as they may think proper and as shall not be inconsistent with law.

SEC. 119. In making a deed for real property, sold for delinquent taxes, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for a delinquent tax, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The style of the warrant for the collection of delinquent taxes shall be in the name of such city.

SEC. 120. The mayor and councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 121. All real property within the limits of the city of Ainsworth not laid off in blocks at the time of making any assessment authorized by this act, must be assessed at the cash value per acre or fractional part thereof, as the case may be.

SEC. 122. The city council may divide the city into not less than two nor more than seven wards, and shall apportion the members of the city council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 123. No park, market, square, street, alleyway or bridge shall be opened, established, extended or widened at the expense of the taxpayers of any assessment district except upon a petition to the city council signed by a majority of the resident owners of real estate within such district, and no street, alley, public square or park shall be vacated except upon a petition to that effect from a majority of the real estate owners in the ward wherein it is situated is made to the council, or when there is no such petition five-sevenths of the council vote therefor by yeas and nays.

SEC. 124. When the grade or boundaries of any street has been once legally established, such grade or boundary shall not be changed without indemnifying each person injured by such change, and the amount of compensation shall be determined as in other cases when private property is taken for the use of the city, and the city of Ainsworth may exercise the right of eminent domain to take any private

property for any use of the city embraced within any of the objects or purposes of this act, and the payment therefor shall be paid out of the proper general or special funds of the whole city, or from a fund raised from assessments and taxation of the assessment district wherein such property is taken.

SEC. 125. The city of Ainsworth may regulate and provide as to the manner in which all additions to the city shall be sub-divided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and where filed, and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof to prevent mistakes and confusion of boundaries; and may cause an official map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct; and all surveys made by the city surveyor whatever, at the instance and expense of the city or private parties, shall be official surveys, and a minute record thereof shall be kept by the city surveyor as a part of his official records, and shall be *prima facie* evidence of their own correctness; and the city has power to enforce this ordinance and the selling of any real property not sub-divided as aforesaid, and plat made and filed as above provided, and to compel the establishment and maintenance of such monuments and to fine or imprison, or both, for a violation thereof; and when the boundary or existence of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 126. In all cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 127. J. W. Shull for mayor and M. D. Cady, F. D. Wood, John Shaefer, V. D. Lay and Jos. Keith for councilmen are hereby appointed until their successors in office are elected and qualified. Upon notice being given by the mayor or one of the councilmen, at least three days previous, the mayor and councilmen shall meet and qualify as required by this charter, and proceed to organize the city government, by filling the other offices by appointment.

SEC. 128. This act to take effect and be in force from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

TO INCORPORATE THE CITY OF CHEHALIS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the corporate limits of the city of Che-

halis, and the boundaries thereof shall be as follows, to wit: Beginning at the quarter section corner between sections 31 and 32, township 14 north of range 2 west; thence south $14\frac{1}{2}$ chains; thence south 49 degrees east, 30 17-100 chains; thence north 41 degrees east, 55 chains; thence north 43 degrees west, $80\frac{1}{2}$ chains; thence south 41 degrees west, 3 35-100 chains; thence west 24 55-100 chains; thence south $6\frac{1}{2}$ chains to north-east corner of south-west quarter of south-east quarter of section 30, township 14 north, of range 2 west; thence west 20 chains; thence south 20 chains to the quarter section corner between sections 30 and 31, township 14 north, of range 2 west; thence south 70 degrees west, 12 70-100 chains; thence south 39 degrees east, 6 45-100 chains; thence south 11 degrees west, 3 50-100 chains; thence 72 degrees east, 3 30-100 chains; thence north 2 55-100 chains; thence south $51\frac{1}{4}$ degrees east, 4 61-100 chains; thence north 30 degrees east, 6 66-100 chains; thence south $86\frac{1}{2}$ degrees east, 20 30-100 chains; thence south $31\frac{1}{2}$ degrees east, $33\frac{1}{2}$ chains to the place of beginning.

SEC. 2. The inhabitants of the city of Chehalis, within the limits above described, shall be, and they are hereby constituted, a body politic, and corporate in fact and in law, by the name and style of the "city of Chehalis," 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 property beyond the limits of the city, to be used for burial purposes; also for the establishment of hospitals for the reception of persons affected with contagious 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 the same for the benefit of the city; and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

SECTION 1. The government of said city shall be vested in a mayor, a common council, consisting of seven members, who shall be elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. There shall be a city treasurer, city marshal, and city clerk and a city attorney to be elected by the city council with the approval of the mayor (the city treasurer may be one of the city council) and who shall hold their offices during the pleasure of the council, and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officer appointed under this section except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year and oftener if he shall deem it advisable, a general statement of the condition of the city, as to finances, government and property and to recommend the adoption of such means as he may think advisable to promote the interest and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and to examine into all complaints which may be made or preferred upon oath against any of them for a violation or neglect of duty and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true and the cause sufficient, shall have power to declare the office of the person so complained against to be vacant and the same shall be filled as is hereinafter provided, and the mayor shall generally perform all such duties as may be prescribed to him by the city charter and city ordinances, and the laws of the United States and this territory.

SEC. 2. The common council shall appoint one of the justices of the peace in said city of Chehalis whose duties shall be as follows: He shall have jurisdiction over all violations of city ordinances; hold to bail, fine or commit persons found guilty of any violation thereof; he shall, as ex-officio assessor, within such time as shall be by ordinance provided, make out and return to the common council a correct list of all the taxable property within the limits of the city, with the valuation thereof, and the name of the person liable to be taxed therefor. The mode of making out such list, ascertaining the value of the property and collecting the taxes shall, as nearly as may be practicable, be the same as that prescribed by law for assessing and collecting territorial and county taxes, and he shall as such assessor discharge such other duties as may by ordinance be prescribed. He shall, as ex officio clerk be the custodian of the records and the seal of the city, and shall authenticate its public acts. He shall attend the meetings of the common council, and shall keep a correct journal of the proceedings thereot, and shall generally do and perform such duties, as may by ordinance be provided.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the justice's court, and execute and return all mesne and final processes issued from the justice's. He shall arrest all persons guilty of a breach of the peace, or a violation of any city ordinance, and bring them before the justice for trial, and shall exercise control over the peace and quiet of the city. He shall also discharge such other duties as may be by ordinance prescribed. He shall collect city taxes. He may appoint as many deputies as he shall see fit, each appointment to be approved by the mayor.

SEC. 4. The city treasurer shall receive and carefully keep all moneys

belonging to the city and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements showing the source from which the moneys came and the persons to whom it was paid with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall at the end of each fiscal year, and as much oftener as the council shall require, make out and present to the council a full and correct statement of the expenditures and receipts of the preceding year, or of the time since the last preceding account or statement was made. He shall also perform such other duties as may by ordinance be prescribed.

SEC. 5. If any person elected to, or holding any city office, shall, without leave of the council, absent himself from the city, for more than thirty days, or if he shall remove from the city, or shall fail to qualify within ten days after he shall have been elected, his office shall be deemed vacant and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 6. The common council shall by ordinance define the duties of all officers not herein provided.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SECTION 1. A general election for all officers of this corporation required by this act to be elected, shall be held on the first Monday in April in each year.

SEC. 2. No person shall be entitled to vote at any municipal election, who is not a qualified elector, for territorial and county officers according to the law of the Territory of Washington.

SEC. 3. All elections shall be by ballot at such places as shall be designated by ordinance.

SEC. 4. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least ten days' notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the territory. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council at its regular meeting after the elections, which meeting shall be held on the second Monday in April, when the votes shall be publicly examined, and the board of trustees shall declare the result. The city clerk shall thereupon give certificates of election, to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be declared by the council by vote.

SEC. 5. All vacancies shall be filled by the common council by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 6. Elections for the city officers shall continue but one day, and the polls shall be open from nine o'clock in the morning until four o'clock in the evening. The polls may be closed at 12, until 1 o'clock, at the option of the judges.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and common council, justice and marshal, and all other officers elected or appointed under this act, shall be qualified, within ten days after their election or appointment, and shall enter upon the discharge of their duties. The term of office of the mayor, recorder, marshal and councilmen, to commence ten days after the election.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election, and choose one of their number as presiding officer. In case of the absence of the president they may elect a president *pro tempore*, who shall have the power and transact the duties of president. They shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum, for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, in such manner, and under such penalty, as the council may have previously provided. They shall judge of the qualifications, elections and returns of their own members, and other officers, elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member, or other person, for disorderly conduct in their presence, at any meeting of the council, and with the concurrence of two-thirds of all the members elect, may for good cause expel a member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city.

1. To make by-laws and ordinances not repugnant to the laws of the United States or this territory.

2. To levy and collect taxes not exceeding one-half of one per cent. per annum, upon all property made taxable by law for county and territorial purposes: *Provided*, That if any person at any time after the annual assessment shall commence the sale or barter of any wares or merchandise within said city, such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year, after he shall so commence, proportional to the amount levied or assessed for city purposes for the year: *And, provided further*, That no tax shall be levied upon the value of articles, the growth and produce of this territory which are brought into said city and sold.

3. To make regulations and restrictions to prevent the introduction of contagious or other diseases into the city.

4. To establish hospitals and make regulations for the government of the same and to secure the general health of the inhabitants.

5. To prevent and remove nuisances.

6. To erect water works either within or beyond the limits of the city and to provide the city with water for the extinguishment of fires and for the use of the inhabitants.

7. To licence, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawn brokers, saloons or places for the retailing of spirituous, malt, or fermented liquors, bar rooms or billiard tables, theatrical or other exhibitions, shows and amusements, runners for hotels or vessels, porters, teamsters, hackmen, draymen, truckmen and fix the rate of porterage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rates to be charged for the carriage of persons and property.

8. To prevent hogs or other live stock from running at large, within the limits of the city.

9. To provide for the prevention and extinguishing of fires, and to organize a fire department.

10. To appoint fire wardens and prescribe their duties; and to compel any person or persons present, to aid in extinguishing fires, or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

11. To establish and regulate a police.

12. To impose a fine, forfeiture or penalty for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed thirty days: *Provided, further*, That in case of inability, or refusal to pay a fine, one day's imprisonment may be imposed for each two dollars of the fine and costs: *And provided further*, That prisoners may be required to labor under such regulations and restrictions as may be by ordinance prescribed.

13. To erect a work house or house of correction, and provide for the government and regulation thereof.

14. To remove all obstructions from the streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repairing of the same, as well as sewers, gutters, water courses and under ground drainage, and to require parties owning or occupying premises, to clean

and remove obstructions from streets, alleys, cross and sidewalks, adjoining the property or the premises occupied by them, and to levy a discriminating tax on persons and property particularly benefited by the construction or repair of streets, side and cross-walks, sewers, gutters, and drains, either with or without a general tax, for general benefit of such work.

15. To provide for lighting the streets of the city with gas or otherwise.

16. To establish and regulate a night watch and patrol, and to provide a city jail.

17. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of fifteen hundred dollars, no further debt shall be created, except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

18. To regulate the storage of gunpowder, saltpetre, pitch, tar, rosin, pretroleum, kerosene, and all other combustible material, and the use of candles, lamps, fire or other lights in shops, stables or other dangerous places; to regulate, prevent, remove or secure any fire place, stove pipe, chimney, defective flue, oven, boiler, or other apparatus which may be dangerous in causing fire.

19. To prescribe the manner of building party walls and fences.

20. To prevent or restrain any riot, disturbance, or disorderly assemblage or any indecent conduct in any street, house or place in the city.

21. To provide for the collection and receiving by said city, of all road poll tax and all road property tax, whether payable in labor or cash and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

22. All moneys received for licenses, and fines shall be paid into the city treasury, and constitute a general municipal fund, including two-thirds of all county licenses for liquor, assessed or collected within the corporate limits of said city of Chehalis.

23. The mayor and common council shall also have power by ordinance, to license, regulate or prohibit bawdy or whorehouses in the city, and shall have power to pass ordinances, for the punishment of persons guilty of using obscene language within the city.

Sec. 2. Any ordinance which shall have been passed by the common council, shall before it becomes valid, be presented to the mayor for his approbation. If he approves it he shall sign it, if not, he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then reconsider the same. If, on such reconsideration, four members of the council shall vote for the same, it shall become an ordinance. In all such cases, the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance, within seven days after it has been presented to him for his approval, it shall become effective as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council and shall be paid by the treasurer on the warrant of the president of the council countersigned by the mayor.

SEC. 4. The president of the council shall exercise the duties of the mayor whenever said office shall be vacant, or the mayor be absent for the city or from any cause unable to attend to the duties of his office.

SEC. 5. The style of the city ordinances shall be as follows: "The people of the city of Chehalis do ordain as follows:"

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION 1. Neither the mayor or members of the council shall receive any salaries for their services. The justice shall receive the same fees for his services as are prescribed by law for similar services, but no part of the same shall be paid by the city.

SEC. 2. All other officers provided for in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions or ordinances calling for appropriations of any money shall lie over for seven days.

SEC. 3. The mayor may at any time call a special session of the common council, by proclamation or special notice to the councilmen, and he shall state to them when assembled the cause for which they have been convened.

SEC. 4. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 5. The fiscal year of the city shall terminate on the last day of February in each year and the city council shall at least one week before the annual election cause to be published a full and complete detailed statement of all moneys received and expended by the corporation, during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act, until officers can be duly elected at the first election herein provided for, the

following named persons are hereby appointed to the several city offices namely: Mayor, A. F. Tullis; common councilmen, William Urquhart, John S. Scott, D. Rondebush, T. L. Holloway, H. J. Brooks, W. H. Long, and O. E. Harmon.

SEC. 2. This act to take effect and be in force, from and after its passage and approval by the governor.

Approved November 23, 1883.

AN ACT

TO INCORPORATE THE CITY OF SPRAGUE AND TO PARTICULARLY DEFINE THE POWERS THEREOF.

CHAPTER I.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. The corporate limits of the city of Sprague shall be and the corporate boundaries thereof shall include the following legal subdivisions of land, to-wit: The east half of the south-east quarter of section (14) fourteen; the northeast quarter and the north half of the southeast quarter of sec. (23) twenty-three; and the west half of the north-west quarter and the north-west quarter of the south-west quarter of section (24) twenty-four,—all being in township No. (21) twenty-one north, of range No. (38) thirty-eight east W. M.

SEC. 2. The inhabitants within the city of Sprague are hereby constituted and declared to be a municipal corporation by the name and style of the "city of Sprague," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Sprague has power to assess, levy and collect taxes, for general municipal purposes, not to exceed one-half per centum per annum upon all property, both real and personal, within the city which is by law taxable for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes, exclusive of assessments for improvements, as hereinafter provided in sections 5, 7, 8 and 10 of this act, shall not exceed in any one year one and one-half per centum on the property assessed.

SEC. 4. The city of Sprague shall have power to make regula-

tions for prevention of accidents by fire. To organize and establish fire departments and shall have control thereof, and ordain rules for government of the same. To provide fire engines and other apparatus and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year three-tenths of one per centum upon the taxable property within the city, and on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar and iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to such prohibition.

SEC. 5. The city of Sprague has power to purchase or condemn, and enter upon and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per cent. in any one year. The city shall have entire control of such buildings and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city on the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 6. The city of Sprague has power to provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary and convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the city for the benefit of such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this section, and all such taxes may be assessed upon and collected from property within said limits, or the expenses may be paid out of the general fund.

SEC. 7. The city of Sprague shall have power to provide for clearing, opening, graveling, improving and repairing of streets and highways and alleys, and build bridges, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk; also to regulate cellarways and cellar lights or sidewalks within the city, and to provide for clearing the streets; also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax of not less than four, nor more than six

dollars on every inhabitant of the city between the ages of twenty-one and fifty years, except persons that are a public charge; also a special tax on property of not less than two, nor more than six mills on every dollar's worth of property within the city, which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the county of Lincoln or the officers thereof, any road tax or road poll tax upon the property or inhabitants within said city.

SEC. 8. The city of Sprague shall have power to construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any streets or streets, highway or highways, alley or alleys therein, or any part thereof, and to levy and collect a special tax or assessment on the lots and parcels of lands fronting on such street or streets, highway or highways, alley or alleys, or any part thereof, sufficient to pay the expenses of such improvement, and for such purpose may create and establish assessment districts, and may create and establish such assessment districts for the purpose of purchasing or appropriating any land or constructing any building or bridge and maintaining the same, or improving any park or square or opening any street, or filling any place where stagnant water accumulates, or to abate any nuisance.

SEC. 9. The city of Sprague shall have power to cause any person to keep his property or the property he occupies or controls, and the adjacent streets and alleys, clean and free from all things dangerous to health or offensive to the senses, or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit.

SEC. 10. The city of Sprague shall have power to provide for the survey of the blocks and streets therein and for making and establishing boundary lines of such blocks and streets and to establish the grades of all streets and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways, and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to levy and collect assessments upon all property benefited by any change or improvement authorized by this section, sufficient to make compensation for all property condemned or damaged, and to authorize or forbid the location and laying down of tracks for railways and street railways, telegraph and telephone appliances on all streets, alleys and public places, and no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley, or public place, upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section 124 of this act.

SEC. 11. The city of Sprague shall have power to erect and maintain water-works or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water, but no such works shall be erected by the city until a majority of the voters of the city, at a general or special election, shall vote for the same.

SEC. 12. The city of Sprague shall have power to grant the right to any persons, companies or corporations to erect and maintain water works for the purpose of furnishing the city with water, and may make such grants in lease for a term of not more than twenty five years, and may authorize such persons, companies and corporations to charge and collect from each individual, supplied with water, such water rent as may be agreed upon between the city and the persons, corporation or companies. And the city of Sprague is hereby empowered to enter into an agreement with any person, company or corporation owning or constructing such water works to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sums as may be agreed upon between said contracting parties; and may enact all ordinances necessary to protect such water works from injury and the water from pollution.

SEC. 13. Said city is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works, and if it shall authorize the construction and operation thereof by individuals or private corporations, it may confer by ordinance upon such person or persons or corporation, the said power to take and appropriate private property for such purpose.

SEC. 14. The city of Sprague shall have power to purchase water works already erected, and may mortgage or hypothecate the same to secure to the person or persons from whom the same may be purchased the payment of the purchase price thereof. Said city shall have power to regulate and sell the water thus brought therein, and the moneys arising therefrom shall constitute a fund to be used to defray the expenses of operating the same, and to pay the purchase price thereof, and said city may levy and collect a special tax each year, until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum: *Provided, however,* No such tax shall be levied or collected until the question has been submitted to the qualified electors of said city, and a majority thereof at an annual election shall favor the same.

SEC. 15. The city of Sprague shall have power to provide for, and by ordinance adopt, such a system of sewerage as may be needed; but no moneys shall be expended for pipes, mains or lateral, to be used therefor, until the system proposed, and the cost thereof, has been ascertained and submitted for ratification or rejection to the qualified electors of said city at an annual or special election, and the expenditure therefor authorized by a majority of such electors.

SEC. 16. The city of Sprague shall have the power to make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or other diseases, therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, and provide that solvent persons and their estates shall pay for the expense of keeping them in such hospital.

SEC. 17. The city of Sprague shall have power to make regulations and pass ordinances preventing domestic and other animals running at large within the city limits, and restrain, impound and for-

feit such animals, and may sell the same when forfeited and apply the proceeds as it deems expedient, and in the case of dogs may cause them to be destroyed or sold when they are found running at large without license, and may also impose a license tax on dogs within the city.

SEC. 18. The city of Sprague shall have power to regulate, license and tax all carts, drays, wagons, carriages, coaches and omnibuses and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; to license, regulate and restrain drinking saloons, and beer shops, and breweries or other places where intoxicating or other beverages are sold, or disposed of in less quantities than one gallon: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medicinal purposes; to license, tax and regulate wash houses, and to prescribe and designate places for carrying on the same. And to license and tax all hotels, livery stables, business houses, and wholesale and retail establishments of every kind and description: *Provided,* That no tax shall be imposed, or license required for sale inside of said city of any of the natural products of the country, when sold by the producer.

SEC. 19. The city of Sprague has power to establish and maintain a day and night police, which shall consist of the marshal and his deputies, and to regulate their number, pay and duties.

SEC. 20. The city of Sprague shall have power to license, regulate or restrain houses of ill-fame, gambling or gambling houses, and to authorize the destruction of gaming devices; to punish and restrain and abate disorderly houses; to regulate the transportation and keeping of gun powder and other combustibles, and to provide for magazines for the keeping thereof, and license, and tax such keeping, and punish any violation of such regulation by fine, imprisonment or forfeiture of the gun powder or combustible kept or transported contrary to such regulations; to regulate the speed and manner in which animals or vehicles of all kinds, including locomotives or cars, shall be driven or allowed to run through the streets of said city; to prevent riots, assaults, assaults and batteries, or affrays, noisy or disorderly assemblies within said city, and to prevent the maintenance of any thing which is annoying, offensive or unhealthy, whatever its nature, and to prevent all other acts which are misdemeanors at common law or by the statutes of the Territory of Washington.

SEC. 21. The city of Sprague shall have power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

SEC. 22. The city of Sprague shall have power to establish and regulate markets, to provide for the measuring or weighing of hay, coal or any other articles.

SEC. 23. The city of Sprague shall have power to adopt proper ordinances for the government of the city, and to carry into effect the power given by this act, and to provide for the punishment of a viola-

tion of any ordinance of the city by a fine, or by imprisonment, not exceeding the jurisdiction of a justice of the peace or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall be imprisoned, not to exceed one day for every three dollars; and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person while imprisoned as aforesaid, may be compelled to work during the time he is so imprisoned at such hard labor as the marshal shall direct; and the city may also cause the animals found running at large to be impounded, forfeited and sold.

SEC. 24. The city of Sprague shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other power and privileges not here specifically enumerated as are incident to municipal corporations.

CHAPTER III.

GOVERNMENT.

SEC. 25. The power and authority hereby given to the city of Sprague by this act shall be vested in a mayor and council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 26. The council shall consist of six members. They shall be elected for one year and shall hold their office until their successors are elected and qualified: *Provided*, That the mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 27. There shall be elected, as hereinafter specified, a justice of the peace, marshal, and assessor, and such other officers, as may become necessary for the due execution of the powers herein conferred, may be appointed by the mayor upon the consent of the council to hold their offices for one year. The marshal shall be elected by the voters of the city, and hold his office for one year or until his successor is qualified. The other officers enumerated in this section as elective officers shall be elected by the council annually, at a meeting to be designated by them after the qualification of the members of the board. Such election shall be by ballot. The justice of the peace so elected shall be one of the justices of the peace duly elected under the laws of Washington Territory, and while acting in city matters may hold his office for that purpose anywhere within the city. Such justice of the peace shall have jurisdiction over all crimes defined by any ordinance of the city, and of all other actions brought to enforce or recover any penalty, forfeit declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such justice of the peace, under and by authority of this act, shall be

governed and regulated by the general laws of this territory relating to justices of the peace, and to their practice and jurisdiction, and shall be subject to review in the district court of the proper district by certiorari or appeal the same as other cases. All officers elected by the council are subject to removal by that body at any time for cause deemed by them sufficient. The council may appoint at any time a person to fill any one of the above named offices whenever the incumbent thereof is temporarily absent or sick or unable for any cause to act. Such appointment shall, however, cease whenever the disability is removed, and in case the term of office of the city justice shall expire under territorial law, the council may at any time fill the vacancy.

CHAPTER IV.

ELECTIONS.

SEC. 28. The general election for mayor, marshal and members of the council and other elective officers shall be held on the first Monday of April of the year in which their terms of office begin, and until the next general election the following officers are hereby appointed to serve until their successors are elected and qualified and with power to appoint temporarily all other necessary officers authorized by this act, to-wit: Mayor, Geo. S. Brooks; councilmen, E. M. Kinnear, Wm. A. Fairweather, R. O. Porak, B. B. Glascock, L. A. Conlee, Patrick Wallace; and said mayor and councilmen may upon ten days' notice by the mayor, hold their first meeting to organize said city government as provided herein.

SEC. 29. That at all general elections the vote shall be by ballot at the time and place designated by the council, and the inspectors, judges and clerks to conduct the same shall also be appointed by the council; and the qualifications of electors shall be the same as prescribed by the laws of Washington Territory.

SEC. 30. The city clerk shall give ten days' notice, by publication in two newspapers, each of different politics, if there be such published in said city, of such election, the officers to be elected, the place or places designated, and the names of the officers by whom the same is to be conducted. If no paper be published, by posting notices in three public places.

SEC. 31. All elections shall commence at nine o'clock A. M., and continue until five o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time the judges of the election may appoint another in his place.

SEC. 32. Inspectors, judges and clerks of election, must possess the qualifications of voters, in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice as required by section 30 of this act, shall not invalidate any election otherwise legal.

SEC. 33. No person is qualified to vote at any election under this

act who does not possess the qualifications in section 29 of this act, for officers, and who, if under the age of fifty years, has not paid either a poll or property tax in the city for the fiscal year last past, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote. And all officers, required to be elected by this act, except those elected by the common council, shall be elected by the qualified voters of this city.

SEC. 34. On the first regular meeting of the council, next after such election, the return thereof shall be canvassed and a written statement of such canvass shall be made and signed by the presiding officer of the council and attested and filed with the clerk. Such written statement shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected and to which office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the city council shall give notice to the several persons so having the highest and an equal number of votes, to attend the council chamber at an appointed time, and the said council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 35. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 36. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined by the council according to the laws of the territory regulating proceedings in contested elections for county officers.

SEC. 37. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council and except as otherwise provided by this act; and by such time, such person must qualify by taking and filing the oath of office, and give such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 38. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, and of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of

—, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 39. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

SEC. 40. No person is eligible to any office in such municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this territory, and who has not resided in said city for the six months next preceding such election or appointment.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 41. Absence for a period of thirty days without leave shall work a forfeiture of any office: *Provided, however,* Absence on duty pertaining to the office, shall not work such forfeiture. All vacancies in those offices appointed by the council, shall be filled by the council, at a regular meeting.

SEC. 42. An officer appointed to fill a vacancy must, within five days after being notified of his appointment by the clerk, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 43. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 44. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members.

SEC. 45. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 46. The council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies, as modified by the rules last adopted by the legislative council of Washington Territory. It must keep a journal of its proceedings and on call of any one of its members must cause the yeas and nays to be taken, and entered in the journal

upon any question before it. But on a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 47. The council may punish any person or member for disorderly conduct, at a meeting of the council, and the manner of proceedings in a case of disorderly conduct, and the penalty must be provided for by ordinance.

SEC. 48. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, except in case of a tie, when he may give the casting vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of its own number president to serve during the meeting, or until the mayor attends.

SEC. 49. On the tenth day following any general election, there must be a regular meeting of the council; and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 50. A majority of the whole number of councilmen elected, shall constitute a quorum, and a majority vote of the quorum is sufficient to perform and transact any business of the council except the final passage of an ordinance, or making a general appropriation of money, in which matters it shall require a majority vote of all members elect, and except in cases wherein other provisions of this act provide that a greater number of votes is required: *Provided*, That special payments from a fund already appropriated may be made upon a majority vote of a quorum.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 51. The mayor is the chief executive officer of the corporation; shall have general supervision over all officers, except the street commissioner, who shall be under the control of the committee on streets and public improvements. The mayor shall have power to communicate to the council at any time concerning the condition and state of affairs of the corporation, and recommend such measures as he may deem expedient and proper; has the power of veto and the power to pardon or commute any sentence for the violation of any ordinance. The mayor shall sign all warrants drawn on the city treasury.

SEC. 52. The Mayor shall approve all bonds or undertakings, official or those which may be required by ordinance, or by any contract entered into by the corporation with private individuals. He shall report the same to the council at the next regular meeting thereof, and if disapproved by that body the same shall be void.

SEC. 53. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 54. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval. If he approves he shall sign it; if not, he shall, at the next regular meeting, return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, four-fifths of the members of the council shall agree to pass the same, it shall become a law.

SEC. 55. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 56. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council; the city may employ additional counsel when deemed advisable.

SEC. 57. It shall be the duty of the clerk to keep a correct journal of the proceedings and to file and keep all papers and books of the council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall attest all warrants drawn on the treasurer. He shall also attest any other document when ordered to do so by the council.

SEC. 58. All demands against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall by a vote direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 59. When the council orders any demand or account paid, and not otherwise, the clerk shall draw a warrant on the treasurer for the amount so ordered paid and present the same to the mayor for his signature.

SEC. 60. The clerk must keep proper books showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance or proper and necessary to a correct understanding of the finances of the city.

SEC. 61. The treasurer is receiver of taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the clerk.

SEC. 62. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 63. The treasurer must make a report to the council at the first regular meeting thereof in January and July of each year, which report shall be published in the paper doing the city printing.

SEC. 64. The assessor must annually make a correct list of all property subject to taxation by the city with the valuation thereof.

SEC. 65. Any person feeling aggrieved by the valuation put upon their property by the assessor, or in the listing of the same, may apply to the council to have the same revised or corrected and the council may correct the same if deemed by that body erroneous.

SEC. 66. The assessment of property shall be made in the manner prescribed by law for assessing property for territorial and county taxes. The form of the assessment roll, the rule for ascertaining the ownership of property, and in whose name it may be assessed, the time of making such assessment, the time for the return thereof, and the time at which application may be made for the revision thereof must be prescribed by ordinance.

SEC. 67. The assessor shall list the lands and improvements and their valuations, and the personal property separately, and shall certify and return the lists to the clerk. After revision the assessment thus made shall be the basis for all taxation for the fiscal year.

SEC. 68. The marshal is peace officer and ex-officio chief of the police, and must execute all processes issued by the justice of the peace of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the court of said justice of the peace and meetings of the council. He has power, by and with the approval of the council, to appoint one or more deputies. He shall make arrests for breach of the peace or for commission of crime within the city limits, with or without warrant. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison. He shall give such bonds to the city as may be prescribed by ordinance for the faithful performance of his duties.

SEC. 69. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report, in writing, to the council at the first regular meeting in each month.

SEC. 70. The justice of the peace of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and with such conditions as the council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the clerk. He shall make a report to the council each month of his doings.

SEC. 71. The powers and duties of all officers of the city shall be as prescribed by ordinance, except as provided herein.

SEC. 72. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 73. The official books of the corporation shall be subject to inspection by any taxpayer thereof.

CHAPTER IX.

ORDINANCES.

SEC. 74. The style of every ordinance shall be—"the city of Sprague does ordain as follows:" No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repeating it; but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 75. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer and the clerk, and all of a general nature or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such penalty or forfeiture, to show that no such publication was made and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

SEC. 76. All the courts of the Territory of Washington, holding terms in said city, shall take judicial knowledge of the ordinances of said city, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless there is evidence affirmatively showing that such publication has not been made.

CHAPTER X.

COLLECTING OF ASSESSMENTS FOR STREET GRADES AND IMPROVEMENTS.

SEC. 77. The city council, whenever it deems it expedient to establish or alter the grade of any street or alley of the city, or to make any improvements thereof, as authorized by sections five, six, seven, eight, nine and ten of this act, shall cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor; and the said survey, diagram and estimate shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of intention to grade, pave or otherwise improve said street or alley, and the filing of such survey, diagram and estimate, shall be given by two weekly publications in the paper doing the city printing. Such notice must specify the street or part thereof to be improved, or of which the grade is to be altered, and the kind of improvement proposed to be made.

SEC. 78. If within ten days from the final publication two-thirds in number of the persons owning property on said street or alley,

and representing one-half of the property in said street or alley, shall file with the city clerk a petition remonstrating against said improvement, grade or alteration the same shall not be further proceeded with.

SEC. 79. If no such remonstrance be made and filed as provided in the last section, the council, at its earliest convenience thereafter, and within six months from the publication of such notice, may establish the proposed grade or make the proposed improvement.

SEC. 80. In all cases when the council shall, by ordinance, order the improvement of any street or alley or the alteration of the grade of any street and the cost thereof has been duly estimated as herein provided, they shall, before proceeding with the execution of the work, cause an appraisal of the lots and land abutting on said street adjacent to said improvement and assessable for the costs thereof, as follows: An assessor shall be appointed and sworn to appraise all lots or parts of lots or lands, irrespective of the improvements or structures thereon, and the whole cost of said grade, planking, graveling or other improvement shall be assessed *pro rata*, on said lots or parts thereof, or lands as aforesaid, according to the assessed value thereof, which apportionment shall be made by the city council, by ordinance, and a tabulated statement thereof shall be made by the city clerk and filed in his office for the information of all persons concerned, and a notice thereof published in the paper doing the city printing for two weeks. Such statement shall show the name of the owner of each lot, if known; the number and frontage of each lot, part of a lot or other land; the number of the block, if numbered, and the value of such lots, or parts respectively.

SEC. 81. Any person feeling himself aggrieved by such appraisal and assessment, may apply to the city council at its first sitting after the publication of said notice, for a modification of said assessment; and the city council shall amend the same as to them may seem just.

SEC. 82. When the tabulated statement, as provided in the preceding section, has been approved by the council, the same shall be recorded in the office of the auditor and recorder of Lincoln county, in the book of liens on real property, and shall be and remain a lien on the lots, or parts of lots or lands described therein for the several sums assessed thereon, respectively, and as fast as the said several assessments are paid, the city clerk is authorized and required to enter on the said county record of said liens a release thereof, which shall be made in the margin of said record opposite the lot or land so released, and the said land shall be henceforth discharged from said lien.

SEC. 83. When the city council shall have duly approved of said assessment and apportioned the cost of said improvement, they shall, by ordinance, establish the same and require the payment of said assessment within ten days from the approval thereof, and shall give notice in the paper doing the city printing, that said assessment is due and payable to the city treasurer as aforesaid. The city clerk shall furthermore make out and deliver to the treasurer a copy of said appraisal and assessment, who shall proceed to collect the same in the same manner as other city taxes, except as is herein otherwise directed.

SEC. 84. If within ten days after the publication of said last named notice, the sum assessed upon any lot or part thereof, is not wholly paid to the city treasurer, the city council may at any time thereafter order a warrant for the collection of the same to be issued by the city clerk directed to the city marshal.

SEC. 85. Such warrant must require the person to whom it is directed to forthwith levy upon the lot or parts thereof upon which the assessment is unpaid, and sell the same in the manner provided by law for selling real estate for delinquent taxes, and return the proceeds of such sale, less his fees, to the city treasurer, and the warrant to the auditor with his doings endorsed thereon, together with the receipt of the city treasurer for the proceeds of such sale.

SEC. 86. The person executing such warrant shall immediately make a deed for the property sold therein to the purchaser, stating therein that the same is made subject to redemption as hereinafter provided. Within three years from the date of sale the owner or his successor in interest or any person having a lien by judgment, decree or mortgage on the property, or any part thereof, separately sold, may redeem the same upon the terms and conditions provided in the next section.

SEC. 87. Redemption is made by the payment of the purchase money and twenty-five per cent. additional, together with the interest upon the purchase money from the date of the sale to the time of payment at legal rate, and the amount of any tax which the purchaser may have paid upon the property.

SEC. 88. A redemption discharges the property from the effects of the sale, and from the assessment. If made by the owner or his successor in interest the estate in the property is thereby restored to such owner or successor in interest; but if made by a lien creditor the amount so paid shall form part of his lien and bear like interest.

SEC. 89. A sale of real property under the provisions of this chapter, conveys to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown.

SEC. 90. The fees and percentage to be allowed to the person for making the sale of property for delinquent assessment for street improvements, as provided in this chapter, shall be fixed by the council by ordinance, and shall be added to and form a part of such assessment from the time the same becomes delinquent, and shall be collected from the property assessed in the same manner as the original assessment, and in no instance shall the city be liable for such percentage, and costs and fees.

SEC. 91. All money paid or collected upon assessment for the improvement of streets or alleys shall be kept as a separate fund, and in no wise used for any other purpose whatever; all money so assessed from the time of being entered in the docket of liens, shall bear interest at the legal rate until paid or collected.

SEC. 92. If upon the completion of any improvement of any street or alley it is found that the sum assessed therefor is insufficient to defray the cost thereof, the city council must ascertain the deficiency and declare the same by ordinance; and when so declared the city clerk

shall give notice thereof, and such deficiency shall be added to the original assessment and collected in the same manner; and when such assessment shall be in excess of the sum required for said improvement the same shall be repaid to the parties owning the property or their representatives.

SEC. 93. For the purpose of making the appraisement and assessment specified in section 81 of this chapter, the city council may establish assessment districts, consisting of the whole of any street or streets, or parts thereof, benefited by said improvements.

SEC. 94. Whenever any lot or part thereof shall be sold for more than the sum assessed thereon, including costs of sale, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt therefor, and file it with the city clerk; and thereafter the owner or his legal representatives shall, on application to the city council, be entitled to a warrant therefor.

SEC. 95. The deed to the purchaser must express the true consideration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 96. The assessor shall annually make out a list of the names of all persons within the city liable to pay a road poll tax, as provided in section seven of this act, and at the time of making said list, the assessor shall demand from each person the road poll tax levied for said year by the council, and if said poll tax is then paid, the assessor shall mark the same "paid" on said list, and give to the person so paying a receipt therefor, and the said list shall be returned to the city council with the return of his assessment of property, and he shall pay over to the city treasurer the money received by him, and file his receipt therefor with the city clerk. The said poll tax list shall be given to the city treasurer, and he shall at once proceed to collect the unpaid road poll tax thereon from the persons named on said list. The treasurer shall also place upon said list the names of all persons found within the city liable to pay such poll tax who shall fail to produce a receipt for the payment of a road poll tax for the current year. He shall demand the amount due from each person named upon the list, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of the property, real or personal, of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale: *Provided*, That any person may pay said poll tax in work upon the streets of the city under the direction of the street commissioner, at the rate of two dollars per day. Any person having men employed, either for himself or a company, shall, when required, provide a list of the names of all such persons so employed liable to pay such road poll tax, and if such employer or agent of the employer shall fail to furnish such list, or shall furnish an incom-

plete or otherwise incorrect one, then such employer or his company shall be liable for the amount of the road poll tax of his or their employes, and shall pay the road poll tax due by such men, or the men so employed, on being notified in writing by the treasurer.

SEC. 97. Whenever any general or special tax has been levied as provided and authorized by chapter two of this charter, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected, and shall be a lien from said date upon any real property owned by the party assessed.

SEC. 98. The council must provide by ordinance within what time all taxes levied as provided and authorized by the provisions of chapter two of this act may be paid to the treasurer, and all taxes not paid to the treasurer within such time are thereafter delinquent taxes and shall be collected as such, and ten per cent. in addition, and interest at ten per cent. annum.

SEC. 99. Within five days from the expiration of the time limited for paying taxes to the treasurer, the treasurer shall return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 100. The council, must thereafter order the city clerk to deliver the tax roll to the city marshal and issue and annex thereto a warrant under the seal of the city and directed to the city marshal, commanding him to proceed and forthwith to collect the delinquent taxes upon said roll in the manner provided by law, and pay the same to the treasurer, less his fees and costs of collecting, and return the warrant, with his doings thereon to the city clerk, together with the receipt of the treasurer, for all moneys collected thereby and paid to the treasurer.

SEC. 101. Such warrant for the purpose of collecting such delinquent taxes shall be deemed an execution against property and shall have the force and effect thereof against any person or corporation against whom such taxes are levied or charged on the tax roll and shall be executed and returned in like manner except as in this chapter otherwise provided.

SEC. 102. If personal property be not found whereon to levy the warrant, or if that levied upon be not sufficient to satisfy the same, it must be levied upon any real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy such warrant, including interest, fees of officers, and all expenses of sale and of executing the warrant.

SEC. 103. In case of delinquent tax levied upon real property in the name of an unknown owner, the warrant shall be executed by levying upon each lot, or part thereof, of such property for the tax levied thereon, and selling it separately.

SEC. 104. When real property is sold for delinquent taxes, the person executing the warrant must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such deed shall have the effect provided in chapter nine of this act.

SEC. 105. Real property sold for taxes, as provided in this chapter may be redeemed by the owner or his successor in interest, or any person having a lien by judgment, decree or mortgage on such property or any part thereof, separately sold, within three years from the date of the deed therefor, and upon the terms and conditions, and with the effect provided in chapter nine of this act in the case of sale of real property for delinquent assessments for the improvement of streets; and such delinquent tax may be paid by such lien creditors in the same manner, and with like effect, as a delinquent assessment, as provided in sections eighty-seven and eighty-eight of this act.

SEC. 106. Whenever any real or personal property, sold for delinquent taxes, shall bring more than the amount of such tax, with interest, and the cost and charges of collection, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt for such surplus, and file the same with the city clerk on the return of the warrant. At any time thereafter the owner of the property sold, or his legal representatives, shall be entitled to a warrant upon the treasurer for such surplus.

SEC. 107. Section ninety-six shall apply to the sale of real property for delinquent taxes, and in the case of the sale of personal property for such taxes, the consideration thereof shall in like manner be expressed in the bill of sale therefor, and the return of the person executing the warrant, must specify such consideration and the name of the purchaser.

SEC. 108. The council may provide by ordinance, within what time a warrant for the collection of delinquent taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes not made on a previous one. All costs and charges for the collection of delinquent taxes must be made on the warrant and collected as a part of the tax. The council may prescribe by ordinance the fees and compensation for collecting delinquent taxes but the same shall in no case be paid out of the treasury of the city.

SEC. 109. All property subject to levy on execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxes, as provided by this charter, whether the same be exempt or not. The city marshal shall, on entering upon the discharge of his duties as tax collector, give a bond to the city of Sprague in a sum to be fixed by the council, not less than two thousand dollars, conditioned for the faithful performance of his duties as collector, and that he will pay over all moneys collected by him as required by law.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 110. The city of Sprague is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance and made in writing, by order of the council, signed by

the clerk, or some other person on behalf of the city. But an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

SEC. 111. When any person or officer or his employer, by affirmative act or by negligence, shall cause any defect in any street, alley, sidewalk, square, bridge or public grounds or building, whereby any accident and damage shall happen by accident to any person or property, the person or officer who, by himself or employer, is guilty of such act or negligence, shall alone be liable for such damage, unless the city, having adequate means, and notice of such defect has failed to cause the same to be repaired or remedied within a reasonable time, in which case the city shall be liable jointly with the wrong doer for such damage, and in an action for damage caused by such neglect of the city the actual wrong doer must be joined with the city as defendant; and a verdict may be returned and judgment rendered against the wrong doer alone when the city has not been guilty of the neglect, aforesaid, or in case the city has been guilty of such neglect, then jointly against the wrong doer and the city. When the judgment is against the wrong doer and the city jointly the execution shall first be satisfied out of the property of the wrong doer in so far as it can be done; and if sufficient property of the wrong doer can not be found, then the city shall pay the same or the residue thereof. In case the city pays said judgment, or any part thereof, it shall be subrogated to the rights of the plaintiffs, as to the judgment, to the extent of such payment. The payment aforesaid from the city, shall be obtained by the presentation to the council of the execution with a certificate of the sheriff, showing his effort and failure to satisfy the same out of the property of the wrong doer, when it shall be the duty of the council to order a warrant drawn on the city treasury upon the general fund for the amount due thereon, which warrant shall be duly drawn and authenticated and paid by the proper city officers in due course as in other cases, and if the council or any officer fails to perform his duties aforesaid it or he may be compelled to do so by mandate from the court from which the execution issued; in an action under this section an attachment may issue against the wrong doer, and in case the city shall notify the plaintiff to attach the property of the wrong doer to secure the payment of the judgment and the plaintiff fails so to do, and the wrong doer disposes of his property that might have been attached before judgment so as in whole or in part to defeat the satisfaction of the execution out of his property, then the city to that extent shall be released.

SEC. 112. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by an ordinance; and an ordinance making an appropriation of money, must not contain a provision upon any other subject: *Provided, always,* That where a fund has been created to be expended for a certain purpose the council may from time to time direct payments to be made therefrom for such purpose without ordinance.

SEC. 113. A member of the council, for words uttered in debate during sessions of the board shall not be questioned in any other place

SEC. 114. The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

SEC. 115. In any action, suit or proceeding in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 116. The city council is hereby authorized to grant the right to use the streets of the city for the purpose of laying gas pipes intended to furnish the inhabitants of said city with light, to any person, or association of persons for a term not exceeding twenty-five years, and the council may adopt such rules and regulations in granting such exclusive right as they may think proper and as shall not be inconsistent with law.

SEC. 117. In making a deed for real property, sold for delinquent taxes, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant from the city for a delinquent tax, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser. The style of the warrant for the collection of delinquent taxes shall be in the name of such city.

SEC. 118. The mayor and councilmen are not entitled to and shall not receive any salary or compensation for their official services.

SEC. 119. All real property within the limits of the city of Sprague not laid off in blocks at the time of making any assessment authorized by this act, must be assessed at the cash value per acre or fractional part thereof, as the case may be.

SEC. 120. The city council may divide the city into not less than four nor more than seven wards, and shall apportion the members of the city council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 121. No park, market, square, street, alleyway or bridge shall be opened, established, extended or widened at the expense of the taxpayers of any assessment district except upon a petition to the city council signed by a majority of the resident owners of real estate within such district, and no street, alley, public square or park shall be vacated except upon a petition to that effect from a majority of the real estate owners in the ward wherein it is situated is made to the council, or when there is no such petition five-sevenths of the council vote therefor by yeas and nays.

SEC. 122. When the grade or boundaries of any street has been once legally established, such grade or boundary shall not be changed without indemnifying each person injured by such change, and the amount of compensation shall be determined as in other cases when

private property is taken for the use of the city, and the city of Sprague may exercise the right of eminent domain to take any private property for any use of the city embraced within any of the objects or purposes of this act, and the payment therefor shall be paid out of the proper general or special funds of the whole city, or from a fund raised from assessments and taxation of the assessment district wherein such property is taken.

SEC. 123. The city of Sprague may regulate and provide as to the manner in which all additions to the city shall be sub-divided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and where filed, and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof to prevent mistakes and confusion of boundaries; and may cause an official map of said city to be made and kept for public inspection, which plat, certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct; and all surveys made by the city surveyor whatever, at the instance and expense of the city or private parties, shall be official surveys, and a minute record thereof shall be kept by the city surveyor as a part of his official records, and shall be *prima facie* evidence of their own correctness; and the city has power to enforce this ordinance and the selling of any real property not sub-divided as aforesaid, and plat made and filed as above provided, and to compel the establishment and maintenance of such monuments and to fine or imprison, or both, for a violation thereof; and when the boundary or existence of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 124. In all cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 125. All the trusts for private persons and all the right to property vested or existing in the city of Sprague by virtue of any act of the legislative assembly of the Territory of Washington or city organization under the laws thereof and by the acts of congress, are hereby imposed and granted to the city of Sprague as created by this act, as the successor thereof.

SEC. 126. The rights, powers and duties and liabilities of the city of Sprague and of its several officers shall be those presented in this act and none others, and this is hereby declared a public act.

SEC. 127. Whenever an addition to said city shall be platted and recorded in the office of the county auditor of Lincoln county as required by law, then and in that case the city of Sprague shall have power by ordinance to include such addition within the corporate limits thereof: *Provided, always,* That such addition is joined to the already established boundaries of said city.

SEC. 128. All other acts and parts of acts in relation to the subject matter herein contained in so far as they affect the city of Sprague be and the same are hereby repealed.

Approved November 28, 1883.

AN ACT

TO INCORPORATE THE CITY OF MONTESANO.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the city of Montesano shall be bounded as follows, to-wit: Beginning at a point on the meandered line of the north bank of the Chehalis river due south of the south-east corner of lot one (1), of section eight (8), in township seventeen (17) north, range seven (7) west; thence north to the north-east corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section five (5); thence west to the west boundary of said township; thence south on said line 240 rods; thence east to the north-east corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section seven (7); thence south eighty rods; thence east eighty rods; thence south to the meandered line of the north bank of the Chehalis river; thence easterly on said meandered line to the place of beginning, all in township 17 north, range 7 west.

SEC. 2. The inhabitants of the city of Montesano within the limits above described, shall be, and they are hereby constituted, a body politic, and corporate in fact and in law, by the name and style of the "city of Montesano," 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 hospitals 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 the same for the benefit of the city; and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

SECTION 1. The government of said city shall be vested in a mayor, a common council, consisting of four members, who shall be

elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election, or until their successors shall be elected and qualified.

SEC. 2. There shall also be a city marshal, city assessor, city treasurer, and city clerk, who shall be elected by the qualified voters of said city, and shall hold their offices until ten days after the next annual election or until their successors shall be elected and qualified: *Provided*, The common council may select or appoint one justice of the peace of the precinct in which said city is situated and shall possess the powers enumerated in sec. 2, art. III of this act.

SEC. 3. No person is eligible to any office in this municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this territory, and who has not resided in said city for the sixty days preceding such election.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year, and oftener if he shall deem it advisable, a general statement of the condition of the city, as to its finances, government and property and to recommend the adoption of such means as he may think advisable to promote its interests and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and to examine into all complaints which may be made or preferred upon the oath of a respectable person against any of them for violation or neglect of duty and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true and the cause sufficient, shall have the power to declare the office of the person so complained against to be vacant and the same shall be filled as is hereinafter provided, and the mayor shall generally perform all such duties as may be prescribed to him by the charter and city ordinances, and the laws of the United States and this territory.

SEC. 2. The justice of the peace for said city shall within the limits of the city, have jurisdiction over all violations of city ordinances, hold to bail, fine or commit persons found guilty of any violation thereof.

SEC. 3. The marshal shall attend upon the meetings of the city council, upon the court of the justice of the peace of said city and execute and return all mesne and final process issuing from the justice of the peace. He shall arrest all persons guilty of a breach of the peace or of a violation of any city ordinances and bring them before the justice of the peace for said city for trial and shall exercise control over the peace and quiet of the city. He shall also discharge such other duties as may be by ordinance prescribed; he shall collect city taxes; he may appoint as many deputies as he shall see fit, each appointment to be approved by the mayor.

SEC. 4. The assessor shall within such time as shall by ordinance

be provided, make out and return to the common council a correct list of all taxable property within the limits of the city with the valuation thereof, and the names of the persons liable to be taxed therefor. The mode of making out said list, ascertaining the value of the property and collecting the taxes shall as nearly as may be practicable be the same as that prescribed by law for assessing and collecting territorial and county taxes. The assessor shall also discharge such other duties as may by ordinance be prescribed.

SEC. 5. The city treasurer shall receive and carefully keep all moneys belonging to the city and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall keep full and correct accounts of his receipts and disbursements, showing the source from which the moneys came and the persons to whom it was paid with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall, at the end of each fiscal year, and as much oftener as the council shall require, make out and present to the council a full and correct statement of the receipts and expenditures of the preceding year, or of the time since the last preceding account or statement was made. He shall also perform such other duties as may by ordinance be prescribed.

SEC. 6. The treasurer shall be required to enter into such bonds as the common council may see fit to require for the proper and right performance of his duties.

SEC. 7. The clerk shall be the custodian of the records and seal of the city and shall authenticate its public acts. He shall attend the meetings of the common council and keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be prescribed.

SEC. 8. The common council shall by ordinance define the duties of all officers not herein prescribed.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SECTION 1. A general election of all the officers of this corporation required by this act to be elected, shall be held on the first Monday in April in each year.

SEC. 2. All elections shall be by ballot at such places as shall be designated by ordinance.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, to designate the place or places of holding the same, to give at least ten days' notice thereof, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the territory. If any inspector or clerk shall fail to attend, the electors present may choose

another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the common council at the next meeting after the election, which meeting shall be held on the second Monday in May, when the votes shall be publicly examined, and the board of trustees shall declare the result. The city clerk shall thereupon give certificates of election, to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be declared by the common council by lot.

SEC. 4. All vacancies shall be filled by the common council by appointment. In case of a vacancy in the council, the member or members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Elections for the city officers shall continue but one day, and the polls shall be open from nine o'clock in the morning until four o'clock in the evening. No person is qualified to vote at any election under this act who does not possess the qualifications in section 3, article 2 of this act.

ARTICLE V.

OF QUALIFICATIONS OF MAYOR AND COUNCILMEN AND ORGANIZATION OF COUNCIL.

SECTION 1. The mayor and common councilmen, and all other officers elected or appointed under this act, shall be qualified, within ten days after their election or appointment, and shall enter upon the discharge of their duties. The term of office of the mayor, and councilmen, to commence ten days after the election.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election, and choose one of their number as presiding officer. In case of the absence of the president they may elect a president *pro tempore*, who shall have the power and perform all the duties of president. They shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum, for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, in such manner, and under such penalties, as the council may have previously prescribed. They shall judge of the qualifications, elections and returns of their own members, and of the other officers, elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member, or other person, for disorderly conduct in their presence, at any meeting of the council, and with the concurrence of three-fourths of all the members elect, may for good cause expel a member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city:

1. To make by-laws and ordinances not repugnant to the laws of the United States or this territory:

2. To levy and collect taxes not exceeding one per centum per annum, upon all property made taxable by law for county and territorial purposes: *Provided*, That if any person at any time after the annual assessment shall commence the sale or barter of goods, wares or merchandise within said city, such person shall be assessed and pay a tax on said goods, wares and merchandise for the balance of the year, after he shall so commence, proportioned to the amount levied or assessed for city purposes for the year: *And, provided further*, That no tax shall be levied on the value of articles, the growth and produce of this territory which are brought into said city and sold.

3. To make regulations and restrictions to prevent the introduction of contagious or other diseases into the city.

4. To establish hospitals and make regulations for the government of the same and to assure the general health of the inhabitants.

5. To prevent and remove nuisances.

6. To erect water works either within or beyond the limits of the city and to provide the city with water for the extinguishment of fires and for the use of the inhabitants.

7. To license, tax and regulate auctioneers, taverns, restaurants, hawkers, peddlers, brokers, pawn brokers, billiard tables, theatrical or other exhibitions, shows and amusements, runners for hotels or vessels, porters, and fix the rate of portorage, hacks, carriages, wagons, carts, drays, trucks and omnibuses, and to fix the rates to be charged for the carriage of persons and property.

8. To license, tax, regulate or prohibit the sale or disposition, of all spirituous, malt or fermented liquors of any kind whatsoever.

9. To erect market houses, establish markets and market places, and to provide for the government and regulation thereof.

10. To provide for the prevention and extinguishment of fires, and to organize and establish a fire department.

11. To appoint fire wardens and prescribe their duties; and to compel any person or persons present, to aid in extinguishing fires, or in the preservation of property exposed to danger in time of fire, and by ordinance to provide whatever other regulations may be necessary on such occasions.

12. To establish and regulate a police force.

13. To impose a fine, forfeiture or penalty for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed sixty days: *Provided, further*,

That in case of inability, or refusal to pay a fine, ten days' imprisonment may be imposed for each two dollars of the fine and costs: *And provided further*, That prisoners may be required to labor under such regulations and restrictions as may be by ordinance prescribed.

14. To erect a work house or house of correction, and provide for the government and regulation thereof.

15. To remove all obstructions from the streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repairing of the same, as well as sewers, gutters, water courses and under ground drainage, and to require parties owning or occupying premises, to clean and remove obstructions from streets, alleys, cross and sidewalks, adjoining the property or the premises occupied by them, and to levy a discriminating tax on persons and property particularly benefited by the construction and repair of streets, side and cross-walks, sewers, gutters, and drains, either with or without a general tax, for general benefit of such works.

16. To provide for lighting the streets of the city with gas or otherwise.

17. To establish and regulate a night watch and patrol, and to provide a city jail.

18. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of six thousand dollars, no further debt shall be created, except for the ordinary current expenses of the city, and debts created in violation of this provision shall be void.

19. To regulate the storage of gunpowder, saltpetre, pitch, tar, rosin, petroleum, kerosene, and all other combustible materials, and the use of candles, lamps, fire or other lights in shops, stables or other dangerous places; to prevent, remove or secure any fire place, stove pipe, chimney, oven, boiler, or other apparatus which may be dangerous in causing fire.

20. To prescribe the manner of building party walls and fences.

21. To prevent or restrain any riot, disturbance, or disorderly assemblage or any indecent conduct in any street, house or place in the city.

22. To provide for the collection and receiving by the city of all moneys authorized by law, or which may be authorized to be assessed and collected for school purposes within the city, which, when collected, shall be under the control of the mayor and council, and be by them laid out in establishing and supporting schools in said city, in such manner as they shall deem most expedient.

23. To provide for the collection and receiving by said city, of all poll taxes, all road taxes, and road labor and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

24. All moneys received for licenses, fines and taxes shall be paid into the city treasury, and constitute its general fund: *Provided*, That this shall not include money collected for road or school purposes.

SEC. 2. Any ordinance which shall have been passed by the common council, shall, before it becomes valid, be presented to the mayor for his approbation. If he approves it he shall sign it, if not, he shall return it with his objections in writing to the council, who shall cause the same to be entered in their journal. They shall then reconsider the same. If, on such reconsideration, three members of the council shall vote for the same, it shall become an ordinance. In all such cases the yeas and nays shall be taken and entered upon the journal. If the mayor shall fail to return an ordinance, within seven days Sundays excepted after it has been presented to him for his approval, it shall become effective as if the mayor had signed it.

SEC. 3. All demands against the city shall be audited by the council and shall be paid by the treasurer on the warrant of the president of the council countersigned by the mayor.

SEC. 4. The president of the council shall exercise the duties of the mayor whenever said office shall be vacant, or the mayor be absent from the city or from any cause unable to attend to the duties of his office.

SEC. 5. The style of the city ordinances shall be as follows: "The people of the city of Montesano do ordain as follows:"

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION 1. Neither the mayor nor members of the council shall receive any salaries for their services. The justice of the peace for said city shall receive the same fees for his services as justices of the peace are entitled to by law for similar services, but no part of the same shall be paid by the city.

SEC. 2. All other officers provided for in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all ordinances the yeas and nays shall be called and entered upon the journal.

SEC. 2. All resolutions or ordinances calling for appropriations of any money shall lie over for seven days.

SEC. 3. The mayor may at any time call a special session of the common council, by proclamation or special notice to the councilmen, and he shall state to them when assembled the cause for which they have been convened.

SEC. 4. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expenses of which are paid out of the city treasury.

SEC. 5. The fiscal year of the city shall terminate on the last day of February in each year and the city council shall at least one week be

fore the annual election cause to be published a full and complete detailed statement of all moneys received and expended by the corporation, during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

SEC. 6. The city council may when in their judgment the same is not incompatible with public interests, appoint a single person to hold and discharge the duties of two or more offices.

SEC. 7. This act may be amended or repealed at the pleasure of the legislature.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act, until officers can be duly elected at the first election herein provided for, the following named persons are hereby appointed to the several city offices mainly: Mayor, D. H. Mullen; clerk, Edwin Mace; treasurer, C. N. Byles; marshal, W. H. Blair; assessor, J. J. W. Mahan; common councilmen, S. Zenor, Lewis B. Bignold, L. Mooney, T. Magill; who shall hold their offices until said election and their successors are elected and qualified.

SEC. 2. All acts and parts of acts in any manner conflicting with any of the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force, from and after its passage and approval by the governor.

Approved November 26, 1883.

AN ACT

TO INCORPORATE THE CITY OF WALLA WALLA AND TO PARTICULARLY DEFINE THE POWERS THEREOF.

CHAPTER I.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the corporate limits of the city of Walla Walla and the boundaries thereof shall be as follows: Beginning at the northwest corner of the northeast quarter of the northwest quarter of section nineteen (19), township seven (7) north, range thirty-six (36) east, Willamette meridian; thence south on subdivision lines to the north boundary of the United States military reserve; thence northeasterly along said boundary to the northeast corner of said reserve; thence southeasterly along the eastern boundary of said reserve to the south boundary of the northeast quarter of the southeast quarter of section thirty (30); thence east on sub-division lines to the southeast corner of the

northwest quarter of the southwest quarter of section twenty-eight (28); thence north on sub-division lines to the northeast corner of the southwest quarter of the northwest quarter of section twenty-one (21); thence west on sub-division lines to the northeast corner of the southwest quarter of the northeast quarter of section twenty (20); thence north on sub-division line to the northeast corner of the northwest quarter of the northeast quarter of section twenty and on north boundary of said section; thence west on north boundaries of sections twenty (20) and nineteen (19) to the place of beginning.

SEC. 2. The inhabitants within the city of Walla Walla are hereby constituted and declared to be a municipal corporation by the name and style of the "city of Walla Walla," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SEC. 3. The city of Walla Walla has power to assess, levy and collect taxes, for general municipal purposes, not to exceed one-half per centum per annum upon all property, both real and personal, within the city which is by law taxable for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes, shall not exceed in any one year one and one-half per centum on the property assessed: *Provided, however,* That the above limitations shall not apply to local assessments in assessment districts.

SEC. 4. The city of Walla Walla shall have power to make regulations for prevention of accidents by fire. To organize and establish fire departments and shall have control thereof, and ordain rules for government of the same. To provide fire engines and other apparatus and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year three-tenths of one per centum upon the taxable property within the city, and on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar and iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to such prohibition.

SEC 5. The city of Walla Walla may regulate and provide as to the manner in which all lands and additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley and the manner in which a plat shall be made thereof, and where filed and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries, and may cause an official map of said city to be made and kept for public inspec-

tion, which plat certified by the city surveyor, shall be *prima facie* evidence that the lines as they thereon appear are correct, and all surveys made by the city surveyor, whatever, at the instance and expense of the city or private parties shall be official surveys, and a minute thereof shall be kept by the city surveyor, as a part of his official records, and shall be *prima facie* evidence of their own correctness, and the city has power to enforce this by ordinance, and to compel the establishment and maintenance of such monuments, and to fine or imprison or both for a violation thereof, and when the boundary or existence of any public street, alley, easement or square is in doubt, and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 6. The city of Walla Walla has power to purchase or condemn, and enter upon and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per cent. in any one year. The city shall have entire control of such buildings and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power to regulate and improve the same, and in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city on the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 7. The city of Walla Walla has power to provide for the lighting of the streets and furnishing the city with lights, and for the erection or construction of such works as may be necessary and convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the city for the benefit of such lights.

SEC. 8. The city of Walla Walla shall have power to provide for clearing, opening, vacating, graveling, improving and repairing of streets, highways and alleys, to gutter the same and to construct and repair sidewalks and build bridges, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk; also to regulate cellarways and cellar lights or sidewalks within the city, and to provide for clearing the streets, and establish the grade thereof; also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax of not less than two, nor more than six dollars on every male inhabitant of the city between

the ages of twenty-one and fifty years, except actual and exempt members of the fire department, and except persons that are a public charge; also a special tax on property of not less than two, nor more than six mills on every dollar's worth of property within the city, which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the county of Walla Walla or the officers thereof, any road tax or road poll tax upon the property or inhabitants within said city.

SEC. 9. The city of Walla Walla shall have power to cause any person to keep his property or the property he occupies or controls, and the adjacent streets and alleys, clean and free from all things dangerous to health or offensive to the senses, or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit, to abate all nuisances and provide for the public safety.

SEC. 10. The city of Walla Walla is hereby authorized to grant the right to use the streets of said city for the purpose of laying gas and other pipes intended to furnish the inhabitants of said city with light, or water to any persons or association of persons for a term not exceeding twenty-five years and to authorize or forbid the location and laying down of tracks for railways and street railways, telegraph and telephone appliances on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to streets, alleys and to property abutting upon the street, alley or public place upon which such track is proposed to be located and laid down, has been ascertained and compensated in the manner provided for compensation of injuries arising from re-grade of streets in section 99 of this act: *Provided, always,* That none of the rights or privileges herein granted shall be exclusive nor prevent the council from granting the same rights to others.

SEC. 11. The city of Walla Walla shall have power to erect and maintain water-works within or without the city limits or to authorize the erection of the same for the purpose of furnishing the city or the inhabitants thereof with a sufficient supply of water and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams, springs, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken for five miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect, but no water-works shall be erected by the city until a majority of the voters, who shall be those only who are freeholders in the city, or pay a property tax therein, on not less than five hundred dollars' worth of property, shall at a general or special election vote for the same. Such proposition shall be formulated and submitted not less than thirty days before election.

SEC. 12. Said city is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water-works and shall have

power to purchase or condemn water-works already erected, or which may be erected, and may mortgage or hypothecate the same to secure to the persons from whom the same may be purchased the payment of the purchase price thereof. Said city shall have power to regulate and sell the water thus brought therein and the moneys arising therefrom shall constitute a fund to be used to defray the expenses of operating the same and to pay the purchase price thereof and said city may levy and collect a special tax each year until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum: *Provided, however,* no such tax shall be levied or collected until the question has been submitted as provided in section eleven (11) of this act to electors as therein named and a majority thereof at an annual election shall favor the same.

SEC. 13. The city of Walla Walla shall have power to provide for, and by ordinance adopt, such a system of sewerage as may be needed; but no moneys shall be expended for pipes, mains or laterals, to be used therefor, until the system proposed, and the cost thereof, has been ascertained and submitted for ratification or rejection to the qualified electors as prescribed in section 12, of said city at an annual or special election, and the expenditure therefor be authorized by a majority of such voters: *Provided,* That this section shall not prohibit construction of sewers under chapter 10 of this act.

SEC. 14. The city of Walla Walla shall have the power to make regulations to prevent the introduction and spread of contagious diseases in the city; to remove persons affected with such, or other diseases, therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, during their sickness only and provide that solvent persons and their estates shall pay for the expense of keeping them in such hospital: *Provided however,* That persons shall not be removed from their own home without their consent, but the city may quarantine any house wherein a contagious disease exists, or the whole city.

SEC. 15. The city of Walla Walla shall have power to make regulations and pass ordinances preventing domestic and other animals from running at large within the city limits, and restrain, impound and forfeit such animals, and may sell the same when forfeited and apply the proceeds as it deems expedient, and in the case of dogs may cause them to be destroyed or sold when they are found running at large without license, and may also impose a license tax on dogs within the city.

SEC. 16. The city of Walla Walla shall have power to regulate, license and tax all carts, drays, wagons, carriages, coaches and omnibuses and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; to license, tax, regulate, prohibit and restrain drinking saloons, and beer shops, and breweries or other places where intoxicating or other beverages are sold, or disposed of in less quantities than one gallon: *Provided, however,* That no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medical purposes only, when prescribed by regular practicing physi-

cian; to license, tax and regulate wash houses, slaughter houses and abattoirs and to license and tax all hotels, livery stables, business houses and wholesale and retail establishments of every kind and description: *Provided*, That no tax shall be imposed, or license required for sale inside of said city of any of the natural products of the country, when sold by the producer.

SEC. 17. The city of Walla Walla has power to establish and maintain a day and night police, which shall consist of the marshal and his deputies, and to regulate their number, pay and duties.

SEC. 18. The city of Walla Walla shall have power to prohibit, license, regulate or restrain houses of ill-fame, gambling or gambling houses, and to authorize the destruction of gaming devices, opium smoking houses and the confiscation of opium found therein, and opium smoking devices; to prohibit and restrain and abate disorderly houses; to regulate the transportation and keeping of gun powder and other combustibles, and to provide for magazines for the keeping thereof, and license, and tax such keeping, and punish any violation of such regulation by fine, imprisonment or forfeiture of the gunpowder or combustible kept or transported contrary to such regulations; to regulate the speed and manner in which animals or vehicles of all kinds, including locomotives or cars, shall be driven or allowed to run through the streets of said city; to prevent riots, assaults, assaults and batteries, or affrays, noisy or disorderly assemblies within said city, and to prevent the maintenance of any thing which is annoying, offensive or unhealthy, whatever its nature, and to prevent all other acts which are misdemeanors at common law or by the statutes of the Territory of Washington, and may punish violations of the provision of this section as provided in section 22.

SEC. 19. The city of Walla Walla shall have power to regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city, and have full jurisdiction over all cemeteries belonging to the city, whether within or without the city limits, and of the walks and ways leading from the city to such cemeteries, and power to regulate, improve and protect the same in all respects and to punish by fine and imprisonment as provided in section 22 any violation of ordinances in respect to the same.

SEC. 20. The city of Walla Walla shall have power to establish and regulate markets, to provide for the measuring or weighing of hay, coal, wood or any other articles.

SEC. 21. The city of Walla Walla shall have power to protect that city and the inhabitants thereof from the floods of Mill creek and other streams and to that end may prescribe the width between the banks, prevent obstructions and cause the same to be removed; prescribe the places where embankments shall be made and the nature thereof, and prescribe the duties of the owners of the land or shore of such stream as to putting in and maintaining protections against the overflow or washing thereof and may punish by fine and imprisonment as provided in section 22 any breach of said duty, and in case said duty is not per-

formed, the city may construct such protection and recover the cost thereof from the owner on whose land the same is made.

SEC. 22. The city of Walla Walla shall have power to adopt proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding three hundred dollars and costs, or by imprisonment not exceeding thirty days or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall have power to imprison not to exceed one day for every two dollars; and such fine and costs may also be collected by execution against the property of the defendant, and when so collected shall be credited on the judgment, and any person while imprisoned as aforesaid, shall be compelled to work during the time he is so imprisoned at such hard labor as the marshal shall direct.

SEC. 23. The city of Walla Walla shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other power and privileges not here specifically enumerated as are incident to municipal corporations.

CHAPTER III.

GOVERNMENT.

SEC. 24. The power and authority hereby given to the city of Walla Walla by this act shall be vested in a mayor and council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 25. The council shall consist of seven members. They shall be elected for two years and shall hold their office until their successors are elected and qualified: *Provided*, That the terms of members of the council as fixed under the former charter shall continue in all respects as though this act had not been passed and all officers elected under the former charter shall hold their respective offices under this charter during the terms for which they were elected and until new officers are elected and qualified hereunder, at which time said terms shall cease.

SEC. 26. The mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 27. There shall be elected, as hereinafter specified, a justice of the peace, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, assessor, sexton and such other officers, as may become necessary for the due execution of the powers herein conferred. The marshal shall be elected by the voters of the city, and hold his office for one year or until his successor is qualified. The other officers enumerated in this section shall be elected by the council annually, at a meeting to be designated by them after the qualification of the members of the council. Such election shall be by ballot. The justice of the peace so elected shall be one of the justices of the peace duly elected under the laws of Washington Territory, and while acting in city matters may hold his office for that purpose

anywhere within the city. Such justice of the peace shall have jurisdiction over all crimes defined by any ordinance of the city, and of all other actions brought to enforce or recover any penalty, forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of this territory relating to justices of the peace, and to their practice and jurisdiction, and shall be subject to review in the district court of the proper district by certiorari or appeal the same as in other cases. All officers elected by the council are subject to removal by that body at any time for cause deemed by them sufficient. The council may appoint at any time a person to fill any one of the above named offices whenever the incumbent thereof is temporarily absent or sick or unable for any cause to act. Such appointment shall, however, cease whenever the disability is removed, and in case the term of office of the city justice shall expire under territorial law, the council may at any time fill the vacancy. The salary of none of such officers shall be increased or diminished during the term for which they were elected or appointed.

CHAPTER IV.

ELECTIONS.

SEC. 28. There shall be a general election for mayor, marshal and members of the council and other elective officers on the second Monday of July of every year.

SEC. 29. That at all general elections the vote shall be by ballot at the time and place designated by the council, and the inspectors, judges and clerks to conduct the same shall also be appointed by the council.

SEC. 30. The city clerk shall give ten days' notice, by publication in two newspapers, each of different politics, if there be such published in said city, of such election, the officers to be elected, the place or places designated, and the names of the officers by whom the same is to be conducted.

SEC. 31. All elections shall commence at nine o'clock A. M., and continue until five o'clock of the same day, without closing the polls. If any judge of election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time the judges of the election may appoint another in his place.

SEC. 32. Inspectors, judges and clerks of election, must possess the qualifications of voters, in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice as required by section 30 of this act, shall not invalidate any election otherwise legal.

SEC. 33. No person is qualified to vote at any election under this act who is not entitled to the privilege of an elector according to the laws of the territory six months next preceding such election and who has not resided in the ward for ten days and who, if under fifty years of age has not paid either a poll or property tax in such city for the fiscal year then last past, except those exempted from taxation in section 8, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote. And all officers, required to be elected by this act, except those elected by the common council, shall be elected by the qualified voters of the city.

SEC. 34. On the first regular meeting of the council, next after such election, the return thereof shall be canvassed and a written statement of such canvass shall be made and signed by the presiding officer of the council and attested by and filed with the clerk. Such written statement shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected and to which office: *Provided*, That if the requisite number of city officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the city clerk shall give notice to the several persons so having the highest and an equal number of votes, to attend the council chamber at an appointed time, and the said council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected, and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 35. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him.

SEC. 36. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members. A contested election for any other office must be determined by the council according to the laws of the territory regulating proceedings in contested elections for county officers.

SEC. 37. The term of office of every person elected to office under this act, shall commence at 12 M. on the tenth day after the canvass of the election returns by the council, except as otherwise provided by this act; and by such time, such person must qualify by taking and filing the oath of office, and give such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office shall be considered vacant, except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 38. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act of this territory, and the laws made in conformity therewith, and that I will, to the best of my ability, faithfully perform the duties of the office of—, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 39. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

SEC. 40. No person is eligible to any office in such municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this territory, and who has not resided in said city for the six months next preceding such election or appointment.

CHAPTER V.

VACANCIES IN OFFICE.

SEC. 41. Absence for a period of thirty days without leave shall work a forfeiture of any office: *Provided, however,* Absence on duty pertaining to the office, shall not work such forfeiture. All vacancies in offices appointed by the council, shall be filled by the council, at a regular meeting and such appointee shall continue in office until the next election. Vacancies in the offices of mayor and councilmen shall be filled at a special election upon ten days' notice. Such election to be conducted as provided in chapter 4 of this act.

SEC. 42. An officer appointed to fill a vacancy must, within five days after being notified of his appointment by the clerk, qualify therefor as in case of an officer elected, or he shall be deemed to have declined and the office be considered vacant.

CHAPTER VI.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 43. The city council shall possess all the legislative powers granted by this act shall be a board for the equalization of city taxes, and shall have all other corporate powers of the city not herein or by some ordinances of the city conferred on some other officer; and shall have the same powers and duties with reference to city assessments and taxes as those prescribed by existing law for the government of the board of county commissioners in the matter of county assessments and taxes.

SEC. 44. The council must provide for the time and place of its regular meetings, to any of which it may adjourn to the next regular

meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members through the city clerk.

SEC. 45. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 46. The council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies, as modified by the rules last adopted by the legislative council of Washington Territory. It must keep a journal of its proceedings and on call of any one of its members must cause the yeas and nays to be taken, and entered in the journal upon any question before it. But on a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 47. The council may punish any person or member for disorderly conduct, at a meeting of the council, and the manner of proceedings in a case of disorderly conduct, and the penalty must be provided for by ordinance, but a member of the council for words uttered in debate during sessions of the board shall not be questioned in any other place.

SEC. 48. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own members president to serve during the meeting, or until the mayor attends.

SEC. 49. On the tenth day next following any general election, there must be a regular meeting of the council; at which time the election returns shall be canvassed as provided in chapter 4 of this act and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 50. A majority of the whole number of councilmen elected, shall constitute a quorum, and a majority vote of the quorum is sufficient to perform and transact any business of the council except the final passage of an ordinance, or making a general appropriation of money, in which matters it shall require a majority vote of all members elect, and except in cases wherein other provisions of this act provide that a greater number of votes is required: *Provided*, That special payments from a fund already appropriated may be made upon a majority vote of a quorum: *And provided further*, the council may order the money out of the general fund into another for any specific objects.

CHAPTER VII.

THE MAYOR—HIS POWERS AND DUTIES.

SEC. 51. The mayor is the chief executive officer of the corporation; and shall have power to communicate to the council at any time

concerning the condition and state of affairs of the corporation, and recommend such measures as he may deem expedient and proper; has the power of veto and the power to pardon or commute any sentence for the violation of any ordinance. The mayor shall sign all warrants ordered drawn on the city treasury.

SEC. 52. The Mayor shall approve all bonds or undertakings, official or those which may be required by ordinance, or by any contract entered into by the corporation with private individuals. He shall report the same to the council at the next regular meeting thereof, and if disapproved by that body the same shall be void.

SEC. 53. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 54. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval. If he approves he shall sign it; if not, he shall, at the next regular meeting, return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, five-sevenths of members of the council shall agree to pass the same, it shall become the law.

SEC. 55. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SEC. 56. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council and be the legal adviser of the city officers; the city may employ additional counsel when deemed advisable.

SEC. 57. It shall be the duty of the clerk to keep a correct journal of the proceedings and to file and keep all papers and books of the council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall attest all warrants drawn on the treasurer. He shall also attest any other document when ordered to do so by the council.

SEC. 58. All demands against the city must be presented to the clerk with the necessary evidence in support thereof, which he must audit and submit to the council, who shall by a vote direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 59. When the council orders any demand or account paid, and not otherwise, the clerk shall draw a warrant on the treasurer for

the amount so ordered paid and present the same to the mayor who shall sign the same.

SEC. 60. The clerk must keep proper books showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and perform the same duties as to city assessments as are now prescribed by law for the county auditor in the matter of county assessments and all such other matters and things as may be prescribed by ordinance or are proper and necessary to a correct understanding of the finances of the city.

SEC. 61. The treasurer is receiver of all taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, and clerk and perform the duties as to city taxes prescribed by existing law for the government of the county treasurer as to county taxes: *Provided*, When taxes become delinquent he shall turn over a list of the same to the city marshal for collection.

SEC. 62. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 63. The treasurer must make a report of the receipts and expenditures of the city to the council at the first regular meeting thereof in January and July of each year, which report shall be published in the paper doing the city printing.

SEC. 64. The assessor must annually make a correct list of all property subject to taxation by the city with the valuation thereof, and perform the same duties as to the assessment and collection of city taxes as are prescribed by existing laws as the duties of the county assessor in the assessment and collection of county taxes.

SEC. 65. Any person feeling aggrieved by the valuation put upon their property by the assessor, or in the listing of the same, may apply to the council to have the same revised or corrected and the council may correct the same if deemed by that body erroneous.

SEC. 66. The marshal is a peace officer and ex-officio chief of the police and collector of delinquent taxes and must execute all processes issued by the justice of the peace of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the court of said justice of the peace and meetings of the council. He has power by and with the approval of the council to appoint one or more deputies. He shall make arrests for breach of the peace, or for commission of a crime within the city limits with or without warrant. He shall exercise a vigilant control over the peace and quiet of the city and he is the keeper of the city prison. He shall give such bonds to the city as may be prescribed by ordinance for the faithful performance of his duties and shall also give bond as tax collector.

SEC. 67. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete

report, in writing, to the council at the first regular meeting in each month.

SEC. 68. The justice of the peace of the city shall, before exercising any of the functions of his office as such, give a bond to the city in such sum and with such conditions as the council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the clerk. He shall keep a separate docket of all city cases and make a report to the council each month of his doings.

SEC. 69. The powers and duties of all officers of the city shall be as prescribed by ordinance, except as provided herein.

SEC. 70. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 71. The official books of the corporation shall be subject to inspection by any taxpayer thereof, during office hours.

CHAPTER IX.

ORDINANCES.

SEC. 72. The style of every ordinance shall be—"the city of Walla Walla does ordain as follows:" No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repeating it; but when the whole ordinance is to be repealed, it shall be sufficient to name it by title and number.

SEC. 73. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose and be authenticated by the signature of the presiding officer and the clerk, and all those of a general or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that such publication was not made and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

SEC. 74. All the courts of the Territory of Washington, holding terms in said city, shall take judicial knowledge of the ordinances of said city, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless the contrary be affirmatively established.

CHAPTER X.

COLLECTING OF ASSESSMENTS FOR STREET GRADES AND IMPROVEMENTS.

SEC. 75. The city of Walla Walla shall have power to establish assessment districts therein and change the same at pleasure, to make

any improvement including opening, cleaning, sprinkling and lighting streets, alleys and public grounds, building and repairing bridges, protecting property from floods, and abating nuisances and may raise the necessary means therefor as provided in this chapter: *Provided*, That when the council deem that such proposed improvement, though specially beneficial to the assessment district is also of great benefit to the whole city, it may contribute from any fund of the city applicable, such amount as it may deem just: *And provided, further*, When the council deem the proposed improvement not local in benefits, but of general benefit to the whole city, it may make appropriations from any funds of the city applicable thereto to pay for the whole thereof.

SEC. 76. Assessment districts may include such lands as the council shall deem benefited by the improvement: *Provided*, That in case of the improvement of established streets, sidewalks and alleys it shall include only the land abutting the proposed improvement and running back therefrom one hundred and twenty feet or less, and no improvement shall be made until the grade shall have been established. In all other cases the dimensions and locality of the district shall be according to the discretion of the council, provided it shall always embrace the proposed improvements.

SEC. 77. The ordinances establishing the district shall describe the boundaries thereof, and the nature and locality of the proposed improvement, which shall be published in the paper doing city printing at least two weeks before bids shall be received for the work. After the district is established an estimate of the work to be done shall be made describing the amount of filling and excavation and a particular description of each part of said work, and when practicable a diagram showing the nature of the work which shall be filed with the clerk for the inspection of the public and when the same is so filed the clerk shall cause notice of the filing to be published as aforesaid at least ten days before bids are received for doing the work, and shall publish as a part of said notice, that unless a remonstrance is filed with him within ten days of the publication, signed by the freeholders representing more than one-half the land in the district, bids at the end of said ten days will be received and the contracts to do the work let: *Provided*, That if a petition signed by a majority of said freeholders representing the same amount of land in the district as that in the remonstrance be filed at any time a new advertisement for bids shall be had, and contracts let in all respects as if the remonstrance had not been filed.

SEC. 78. If the remonstrance mentioned shall be filed as aforesaid, the proceedings shall stop until said petition shall be filed: *Provided*, That a new district with different limits may be formed for the same purpose and new proceedings had as above prescribed.

SEC. 79. When according to the above provisions it becomes lawful to proceed with said improvement and bids have been received therefor the clerk shall make an abstract from the last annual assessment roll of the city of all the lands in said district and the values thereof as it so appears and return the whole proceedings and all the papers to the council.

SEC. 80. Upon the return of said clerk to the council the bids

shall be opened and if the council shall accept any bid it shall proceed to levy a tax on the land in said district (exclusive of improvement), as it shall appear from said list made from the assessment roll according to the value thereof, sufficient to pay the amount of the accepted bid and the incidental probable expenses.

SEC. 81. If no bid is accepted notice shall be published by the clerk in the paper aforesaid, at least five days, that new bids will be received for said work and when such bids are received and accepted by the council it shall levy the tax as aforesaid.

SEC. 82. After said bid is accepted and levy made the contract shall not be executed until five days thereafter, during which time if any of the freeholders in said district will give bid and bond as hereinafter provided to do the work for twenty dollars less than the accepted bid and pay the accepted bidder ten dollars bonus for his trouble which shall be left with the clerk, then the contract with the original accepted bidder shall come to an end, and the work shall be done by the freeholders: *Provided*, If there are two or more freeholders who offer as aforesaid to do the work, the one offering to do the work for the least price shall pay said bonus and have the contract, and all other contracts shall become void: *And, provided*, That all persons bidding shall file with their bids a bond to do the work according to the specifications with the clerk aforesaid in case his bid is accepted and the contract awarded to him with such sureties as may be prescribed by ordinance.

SEC. 83. The fees and percentages and penalties for collection of delinquent taxes shall be added to the delinquent tax and collected as a part thereof.

SEC. 84. As soon as a tax is levied the clerk shall record the same in a book in his office and shall cause to be filed in the county auditor's office a certified transcript of said exhibit under his seal of office. The county auditor shall file said transcript and record it in the book of liens, indexing the owner or reputed owner as lienor and the city as claimant, for which he shall be entitled to charge the fee of twenty-five cents for each name so indexed; which sum shall be added to said claim and upon the enforcement of such lien shall be taxed and collected as costs.

SEC. 85. The funds collected under this chapter shall be kept separate and if there is any excess thereof it shall be returned to those who paid it according to their respective interests, and if there is a deficiency a tax may be levied as above provided to make up such deficiency.

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SEC. 86. The assessment of property, the form of the assessment roll, the rule for ascertaining the ownership of property and in whose name it may be assessed and the collection of city taxes shall be made in the manner prescribed by existing laws for the assessment and collection of territorial and county taxes; the time of making assessments the return of the assessor, the time for levying and collecting the gen-

eral and special taxes, the time for the equalization of taxes and when they shall become delinquent must be prescribed by ordinance. The revised assessment roll shall be the basis of taxation in all assessment districts and the city for the fiscal year.

SEC. 87. The fees and costs, penalties and interest for and on city taxes and for the collection thereof shall be the same as that prescribed by existing laws for territorial and county taxes and the effect of sales and deeds and the right of redemption shall be the same: *Provided*, That in the case of road poll tax that if any person shall bring a receipt from the street commissioner of having performed work for the same then such receipt shall be accepted as payment at the rate of two dollars per day and the tax collector shall take up such receipt and give a receipt as for cash.

SEC. 88. And the city council shall have power by ordinance to supplement and change the present territorial law as to time taxes shall be collected and the time of making return of delinquent rolls by the marshal and as to the change of the name of county officers to the proper city officers and any other change which is necessary to make said laws applicable to city and district assessments and taxes.

SEC. 89. Whenever any general or special tax has been levied as provided and authorized by this chapter every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected, and shall be a lien from said date upon any real property owned by the party assessed.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 90. The city of Walla Walla is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance and made in writing, by order of the council, signed by the clerk, or some other person on behalf of the city. But an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

SEC. 91. When an accident happens within the city of Walla Walla by reason of defects or obstruction in the streets, alleys, sidewalks or bridges therein, the liability shall be as follows: When the defect or obstruction is caused by the street commissioner or employe under him, by the misfeasance or malfeasance of such street commissioner or employe occurring as an incident of work done for the city, such commissioner or employe in fault and the city jointly shall be liable.

SEC. 92. When such defect or obstruction exist from non-feasance of the street commissioner, then the said commissioner and the city shall be liable: *Provided*, That if the street commissioner shall use due diligence in discovering defects or obstructions and use such power and means as the council may have given to cause said defect to be cured or obstruction removed and notify the council thereof in reasonable time, he shall not be deemed guilty of non-feasance.

SEC. 93. If the council has been notified by the street commissioner that there is danger from any such defect or obstruction and fails to immediately furnish the power and means to the street commissioner to cure the defect or remove the obstruction to an extent sufficient to prevent accidents, then the city shall be liable alone unless such defect or obstruction is caused or permitted as is described in the next section.

SEC. 94. When an action is against joint defendants or two or more defendants and when the liability of any defendant arises out of the fault of the officer, tenant or employe of such defendant the verdict shall so state and judgment be entered accordingly and execution satisfied from the property of such officer or employe if it can be found, but if not found then against the city or employee and when the city or employe shall pay such judgment or any part of the same it or he shall be subrogated to that extent to the rights of the plaintiff, and if such officer or employee is not embraced as defendant by the original complaint, the defendant sued may make him a party defendant by the service of the copy of the original complaint and summons upon him together with a note that he shall appear and defend the same, which shall operate and have the effect of an original summons, and when made a party he shall answer the original complaint in all respects as if it charged him with the wrong instead of the other defendant.

SEC. 95. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by an ordinance; and an ordinance making an appropriation of money, must not contain a provision upon any other subject: *Provided, always,* That when a fund has been created to be expended for a certain purpose the council may from time to time direct payments to be made therefrom for such purpose without ordinance.

SEC. 96. The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

SEC. 97. In any action, suit or proceedings in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 98. The city council may divide the city into not less than four nor more than seven wards, and shall apportion the members of the city council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 99. When the grade or boundaries of any street has been once legally established, such grade or boundary shall not be changed without indemnifying each person injured by such change, and the amount of compensation shall be determined as in other cases when private property is taken for the use of the city, and the city of Walla Walla may exercise the right of eminent domain to take any private

property for any use of the city embraced within any of the objects or purposes of this act.

SEC. 100. In all cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property, and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this territory relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 101. All the trusts for private persons and all the rights to property vested or existing in the city of Walla Walla by virtue of any act of the legislative assembly of the Territory of Washington or city organization under the laws thereof and by the acts of congress, are hereby imposed and granted to the city of Walla Walla as created by this act, as the successor thereof, it being the true intent of this and all other acts creating the city of Walla Walla to continue the existence of the same city as prescribed from time to time by the different acts incorporating the same but with additional powers and manner of government.

SEC. 102. All ordinances heretofore in force in the city of Walla Walla passed concerning the trusts of said city for private parties are continued in force, and all ordinances passed and in force in said city when this act goes into effect are continued in force until repealed by the city council.

SEC. 103. The rights, powers and duties and liabilities of the city of Walla Walla and of its several officers shall be those prescribed in this act and none others, and this is hereby declared a public act.

SEC. 104. Whenever an addition to said city shall be platted and recorded in the office of the county auditor of Walla Walla county as required by law, then and in that case the city of Walla Walla shall have power by ordinance to include such addition within the corporate limits thereof: *Provided, always,* That such addition is joined to the already established boundaries of said city.

SEC. 105. The limit of indebtedness of the city of Walla Walla is hereby fixed at \$50,000.00.

SEC. 106. All acts and parts of acts relating to the incorporation of Walla Walla city and not herein reserved are hereby repealed.

SEC. 107. This act to take effect from and after January 1st, 1884.
Approved November 28, 1883.

AN ACT

TO INCORPORATE THE CITY OF LA CONNER.

ARTICLE I.

OF BOUNDARIES AND POWERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the city of La Conner shall be bounded

as follows, to-wit: That portion of land described as follows: All of the plat of the town of La Conner as recorded in the office of the auditor of Whatcom county, together with an addition of six hundred feet on the southern end of said plat of the same width as, and extending in the same general direction as said plat; also an addition of sixty rods on the northern end of said plat of the same width as, and extending in the same direction as said plat, all of the above described land being and lying in section thirty-six; township (34) thirty-four north, of range two east, in Whatcom county. The inhabitants of the city of La Conner, within the limits above described, shall be and they are hereby constituted a body politic and corporate in fact and in law, by the name and style of the "city of La Conner," 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 city limits, to be used for burial purposes, also for the erection of water-works to supply the city with water; and may sell, lease or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure.

ARTICLE II.

OF THE GOVERNMENT OF THE CITY.

SECTION 1. The government of said city shall be vested in a mayor, a common council, consisting of five members, a city marshal, a city recorder (the justice of the peace of La Conner precinct to act as city recorder), a city assessor who shall be ex-officio clerk of the board of common council, and shall be appointed by the common council, and all the said officers shall hold their offices until ten days after the next annual election, and until their successors shall be elected and qualified.

SEC. 2. There shall be a city treasurer to be appointed by the council and who shall hold his office during the pleasure of the council; and the council may appoint and dismiss at its pleasure such other officers and agents as may be deemed necessary: *Provided*, There shall be no officers appointed under this section except those herein named, unless the office is established by ordinance.

ARTICLE III.

OF THE DUTIES OF OFFICERS.

SECTION 1. It shall be the duty of the mayor to communicate to the council at least once a year, and oftener if he shall deem it advisable, a general statement of the condition of the city, as to its finances, govern-

ment and property and to recommend the adoption of such means as he may think advisable to promote its interests and advance its prosperity; to be vigilant and active in causing the laws and ordinances of the city to be enforced; to exercise a constant supervision over the conduct of all subordinate officers; to receive and to examine into all complaints which may be made or preferred upon oath against any of them for violation or neglect of duty and certify the same to the common council, who shall act upon the same, and if they find the complaint to be true and the cause sufficient, shall have the power to declare the office of the person so complained against to be vacant and the same shall be filled as is hereinafter provided, and the mayor shall preside at the meetings of the council and shall generally perform all such duties as may be prescribed to him by the charter and city ordinances, and the laws of the United States and this territory.

SEC. 2. The recorder shall, within the limits of the city, have all the powers of a justice of the peace; he shall also have jurisdiction over all violations of city ordinances, hold to bail, fine or commit persons found guilty of any violations thereof.

SEC. 3. The city assessor shall within such time as is by ordinance provided, make out and return to the council a correct list of all the taxable property within the limits of the city with the valuation thereof, and the names of the persons liable to be taxed therefor. The mode of making out said list, ascertaining the value of the property and collecting the taxes shall as nearly as may be practicable be the same as that prescribed by law for assessing and collecting territorial and county taxes; and he shall as such assessor, discharge such other duties as may by ordinance be prescribed. He shall also, as ex-officio clerk, be the custodian of the records and seal of the city and shall authenticate its public acts. He shall also attend the meetings of the council and shall keep a correct journal of the proceedings thereof, and shall generally do and perform such duties as may by ordinance be prescribed.

SEC. 4. The marshal shall attend upon the meetings of the city council, upon the recorder's court, and execute and return all mesne and final processes issuing from the recorder; he shall arrest all persons guilty of a breach of the peace or of a violation of any city ordinance and bring them before the recorder for trial, and shall exercise control over the peace and quiet of the city; he shall collect delinquent city taxes; he may appoint as many deputies as he may see fit, each appointment to be approved by the mayor and council; he shall also discharge such other duties as may by ordinance be prescribed.

SEC. 5. The city treasurer shall receive and carefully keep all moneys belonging to the city and shall pay out the same only on warrants duly authorized under the laws and ordinances of the city. He shall collect city taxes; he shall keep full and correct accounts of his receipts and disbursements, showing the source from which the money came and the persons to whom it was paid with reference to vouchers or warrants upon which it was paid out, which vouchers he shall preserve. His accounts shall at all times be open to the inspection of the mayor and the common council, or a committee thereof, who may also examine his books and vouchers and money. He shall, at the end of each quarter year, and as

much oftener as the council may require, make out and present to the council a full and correct statement of the receipts and expenditures of the preceding year, or of the time since the last preceding account or statement was made. He shall also perform such other duties as may by ordinance be prescribed.

SEC. 6. If any person elected to or holding any city office shall, without leave of council, absent himself from the city for the period of thirty days, or fail to qualify in ten days after he shall have been duly notified of his election, his office shall be deemed vacant and a resolution of the council declaring such office vacant shall be final and conclusive.

SEC. 7. The common council shall by ordinance define the duties of all officers not prescribed herein.

ARTICLE IV.

OF THE ELECTION OF OFFICERS AND FILLING OF VACANCIES.

SECTION 1. The general election of all the officers of this corporation required, by this act to be elected, shall be held on the first Monday in February in each year.

SEC. 2. All elections shall be by ballot at such places and in such manner as shall be designated by ordinance.

SEC. 3. It shall be the duty of the common council to order all subsequent elections, to designate the place of holding the same, to give at least two weeks' notice thereof in some newspaper published in the said city, and to appoint inspectors of elections and clerks. The elections shall be conducted in the same manner that general elections are conducted in the territory. No person shall be allowed to vote unless he has been a resident of the city at least ninety days previous to the election. If any inspector or clerk shall fail to attend, the electors present may choose another in his stead. The returns of all elections shall be made to the city clerk, who shall present them to the city council at the next meeting after the election, which meeting shall be held not later than the second Monday in February, when the votes shall be publicly examined, and the board of common council shall declare the result. The city clerk shall thereupon give certificates of election, to the persons having a plurality of votes. In case of a tie between two candidates for the same office, the choice shall be determined by vote of the council.

SEC. 4. All vacancies shall be filled by the council by appointment. In case of a vacancy in the council, the members remaining, whether a quorum or not, may fill the vacancy.

SEC. 5. Elections for city officers shall continue but one day, and the polls shall be open from 9 A. M. until 4 P. M.

ARTICLE V.

SECTION 1. The mayor and common councilmen, recorder and marshal and all other officers elected or appointed under this act,

shall be qualified, within ten days after their election or appointment, and shall enter upon the discharge of their duties. The term of office of said officers to begin ten days after the election or appointment.

SEC. 2. The members of the common council elected under this act, shall assemble ten days after their election. In case of the absence of the mayor they may elect a president *pro tempore*, who shall have the same power and perform all the duties of the mayor. They shall fix the time and place of holding their stated meetings, and may be convened by the mayor at any time. A majority of the members shall constitute a quorum, for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, in such manner, and under such penalties, as the council may have previously prescribed. They shall judge of the qualifications, elections and returns of their own members, and of the other officers, elected or appointed under this act, and determine contested elections. They may establish rules for their own proceedings, punish any member, or other person, for disorderly conduct in their presence, at any meeting of the council, and with the concurrence of three of the members elected, may for good cause expel a member. They shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journal, and all their proceedings shall be public.

ARTICLE VI.

OF THE GENERAL POWERS OF THE MAYOR AND COMMON COUNCIL.

SECTION 1. The mayor and common council shall have power within the city:

1. To make by-laws and ordinances not repugnant to the laws of the United States or this territory:
2. To levy and collect taxes not exceeding one-half of one per centum per annum, upon all property made taxable by law for county and territorial purposes.
3. To make regulations and restrictions to prevent the introduction of contagious diseases into the city.
4. To prevent and remove nuisances.
5. To erect water works either within or beyond the limits of the city and to provide the city with water for the extinguishment of fires and for the use of the inhabitants.
6. To licence, tax and regulate auctioneers, hawkers, peddlers, pawn brokers, saloons or places for the retailing of spirituous, malt or fermented liquors, bar rooms or billiard tables, theatrical or other exhibitions, and amusements.
7. To prevent hogs or other live stock from running at large within the limits of the city.
8. To provide for the prevention and extinguishment of fires, and to organize a fire department.
9. To establish and regulate a police.

10. To impose a fine, forfeiture or penalty for the breach of any ordinance: *Provided*, No fine shall exceed one hundred dollars, and no term of imprisonment shall exceed sixty days: *Provided, further*, That in case of inability, or refusal to pay a fine, one day's imprisonment may be imposed for each three dollars of the fine and costs: *And provided further*, That prisoners may be required to labor under such regulations and restrictions as may by ordinance be prescribed.

11. To remove all obstructions from the streets, alleys, side and crosswalks, and to provide for the construction, cleaning and repairing of the same, as well as sewers, gutters, water courses and under ground drainage, and to require parties owning or occupying premises, to clear and remove obstructions from cross and sidewalks, adjoining their property or the premises occupied by them, and to levy a tax on persons and property particularly benefited by the construction and repairs of streets, side and cross-walks, either with or without a general tax, for general benefit of such work.

12. To establish and regulate a night watch and patrol, and to provide a city jail.

13. To appropriate and provide for any item of city expenditure, and for the payment of the debts of the city: *Provided*, That when the city indebtedness shall amount to the sum of five hundred dollars, no further debt shall be contracted, except for the ordinary expenses of the city, and debts created in violation of this provision shall be void.

14. To regulate the use of candles, lamps, fire or other lights in shops, stores, stables, or other places; to regulate, prevent, remove or secure any fire place, stove-pipe, chimney, defective flue, oven, boiler, or other apparatus which may be dangerous in causing fire.

15. To prevent or restrain any riot, disturbance, or disorderly assemblage or any indecent conduct in any street, house or place in the city.

16. To provide for the collection and receiving by said city of La Conner of all road poll tax and all road property tax whether payable in labor or cash and the expending and using the same upon the roads and streets of the city, and for this purpose the city shall constitute one road district.

17. All moneys derived from liquor and other licenses granted by the city under the provisions of this act, including fines, shall be paid into the city treasury and constitute a general municipal fund: *Provided*, That two-thirds of the revenue derived from such liquor licenses shall be paid to the county treasurer to be placed to the credit of the general county fund.

18. The mayor and council shall have power to pass ordinances for the punishment of persons guilty of publicly using obscene language within the corporate limits of the city.

SEC. 2. Any ordinance which shall have been passed by the common council, shall, before it becomes valid, be presented to the mayor for his approval: If he approve it, he shall sign it, if not, he shall return it with his objection in writing to the council, who shall cause the same to be entered in their journal. They shall then reconsider the

same. If, on such reconsideration, four members of the council shall vote for the same, said ordinance shall become a law. In all such cases the yeas and nays shall be taken and entered on the journal. If the mayor shall fail to return an ordinance, in seven days after it has been presented to him for his approval, it shall become effective the same as if the mayor had signed it: *Provided*, That all ordinances before taking effect shall be published in the official newspaper of the city.

SEC. 3. All demands against the city shall be audited by the council, and shall be paid by the treasurer on the warrant of the recorder countersigned by the mayor or acting mayor.

SEC. 4. The style of the city ordinances shall be as follows: "The people of the city of La Conner do ordain as follows:"

ARTICLE VII.

OF SALARIES OF OFFICERS.

SECTION 1. Neither the mayor nor members of the council shall receive any salaries for their services. The recorder shall receive the same fees for his services as justices of the peace are entitled to by law for similar services, *Provided*, That the city shall pay no part of the same.

SEC. 2. All other officers provided for in this act, or to be created, shall receive such compensation as shall be provided for by ordinance.

ARTICLE VIII.

SECTION 1. No member of the council shall, during the period for which he shall have been elected, be interested in any contract, the expenses of which are in whole or in part to be paid out of the city treasury.

SEC. 2. The fiscal year of the city shall terminate on the last day of January in each year and the city council shall at least one week before the annual election cause to be published a full and complete detailed statement of all moneys received and expended by the corporation, during the preceding year, and on what account expended, classifying each receipt and expenditure under its appropriate head.

ARTICLE IX.

SECTION 1. To carry into effect the provisions of this act, until officers can be duly elected at the first election day herein provided for; the following named persons are hereby appointed to the several city offices namely: Mayor, L. L. Andrews; common council, G. V. Calhoun, B. L. Martin, James Gaches, J. S. Church, F. S. Poole; marshal, C. Otis; city assessor and city clerk, Sophus Jorgensen.

SEC. 2. In case any officer as herein appointed shall fail or refuse to qualify as herein provided, it shall be competent for two or more members of the council at any time within six weeks after the passage

of this act, after due notice being given, to meet and proceed to appoint the balance of said members of the common council; and said council is hereby authorized to appoint other parties to fill such offices as herein provided in case of refusal or neglect to qualify on the part of any of the parties herein appointed.

SEC. 3. This act to take effect and be in force, from and after its passage and approval.

Approved November 20, 1883.

AN ACT

TO INCORPORATE THE CITY OF SNOHOMISH.

CHAPTER I.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the city of Snohomish shall include within its limits the following described tracts of land namely: Commencing at a point on the north bank of the Snohomish river forty (40) rods west of the township line between townships number twenty-eight (28) north, of range number six (6) east, and township number twenty-eight (28) north, of range number five (5) east, in section thirteen (13) of the last named township, thence north sixty (60) rods; thence east two hundred (200) rods; thence south two hundred and forty (240) rods; thence west to the bank of the Snohomish river; thence northerly and westerly along the meanderings of said Snohomish river to the place of beginning. All situated in Snohomish county, Washington Territory.

SEC. 2. The inhabitants within the above described limits are hereby constituted and declared to be a municipal corporation by the name and style of the "city of Snohomish," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded in all courts of justice, contract and be contracted with, may purchase, hold, receive, sell and convey property, real and personal, and may have and use a common seal, and alter the same at pleasure.

SEC. 3. The corporate city limits aforesaid shall not be included within any road district, but shall be an independent road district under the exclusive control of said city corporation, nor shall the county commissioners of Snohomish county have any jurisdiction over the expenditures of road tax collected therein; and so much of any county public road as lies within said corporation, shall be kept in repair by the council of said city. But the said council may by ordinance vacate said road or parts thereof, and conform the same to opened and established streets. All road taxes whether road poll or road property taxes levied, assessed or collected by virtue of the general road and revenue laws of the Territory of Washington within the corporate limits of said city, shall belong

to said city, and be expended therein under the authority and direction of the common council thereof. Delinquent road taxes due within said city shall be collected as other delinquent road taxes are collected under the general laws of the territory; and all road taxes, whether road poll or road property, levied or assessed within said city limits, paid to the county treasurer when other taxes are paid, or collected as delinquent or redeemed delinquent taxes, less the commissions for, or expenses of collecting, shall be paid by said county treasurer to the city treasurer on demand made by the latter.

SEC. 4. Said corporate limits shall constitute one school district entitled to receive and enjoy its separate share of the common school fund of the county, and maintain schools therein.

CHAPTER II.

OF THE GOVERNMENT OF THE CITY.

SEC. 5. The power and authority given to the municipal corporation by this act shall be vested in a mayor and common council, together with such other officers as are in this act mentioned, or may be created under its authority.

SEC. 6. The common council shall consist of four (4) members. They shall be elected for one year and shall hold their office until their successors are elected and qualified.

SEC. 7. The mayor shall be elected for one year and shall hold his office until his successor is elected and qualified.

SEC. 8. There shall be elected, as hereinafter specified, a marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, and assessor, and collector, who shall be officers of the municipal corporation, the marshal shall be elected by the qualified voters of the corporation and shall hold his office for one year, or until his successor is elected and qualified. The justices of the peace for Snohomish precinct, who shall have been duly elected and appointed and qualified, as required by law, shall have jurisdiction over all crimes defined by any ordinance of the city, and of all actions brought to enforce or recover any penalty or forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. All civil and criminal proceedings before such justice of the peace, under and by authority of this act, shall be governed and regulated by the general laws of the territory relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court of the proper district by *certiorari* or appeal, the same as other cases. The attorney, clerk, treasurer, health officer, surveyor, street commissioner, and the assessor and collector shall be elected by the common council, at the meeting above specified, and they shall be liable at any time to be removed by the council for malfeasance, inattention or incompetency.

SEC. 9. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment, is not entitled to the privilege of an elector according to the laws of this territory, and who has not resided in said city of Snohomish for the six months next preceding such election or appointment.

CHAPTER III.

OF ELECTIONS.

SEC. 10. The annual municipal election for officers required to be elected under this act shall be held on the first Monday of May of each year.

SEC. 11. No person shall be entitled to vote at any municipal election, annual or special, who is not a qualified elector for territorial and county officers according to the law of the Territory of Washington, and who shall not have resided in said city for the six months next preceding the day of election, and who shall not have entered his name upon the registry, as provided in the next section.

SEC. 12. The city clerk shall keep a book in his office, to be entitled "city registry," in which all voters shall register their names at least thirty days before the annual election; and the said city clerk shall furnish the judges of election with a list of the registered voters; and none but such registered voters shall be allowed to vote at any municipal election. This section shall not, however, be construed to require any voter once registered to register again, unless such voter may have changed or lost his residence.

SEC. 13. The city clerk under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in the city, and by publication in the newspaper doing the city printing, of such municipal election, the officers to be elected, the place designated for holding the election and the names of the judges and clerks appointed to conduct the same and at all such elections the vote shall be by ballot.

SEC. 14. All elections shall commence at ten o'clock A. M., and continue until five o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters then present may elect another in his place, and if any clerk of the election fails to attend at the proper time the judges of election may appoint another in his place. The judges and clerk of the election must possess the qualifications of voters in the city, but a mistake or error in this respect, or a failure to give the notice required by this section, shall not invalidate any election otherwise legal.

SEC. 15. At the first regular meeting of the council, next after such election, the returns thereof shall be canvassed by the city council and a written statement of such canvass shall be made and signed by the mayor and attested by the clerk and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes

given at such election, the number given for any office, and the names of persons elected and to what office.

SEC. 16. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 17. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor, marshal and its own members.

SEC. 18. The term of office of every person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate according except as otherwise provided by this act; and by such time, such person must qualify by taking and filing the oath of office, and give such official bond for the faithful performance of his duties as may be required, or he shall be deemed to have declined, and the office shall be considered vacant.

SEC. 19. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of—, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 20. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

CHAPTER IV.

VACANCIES IN OFFICE.

SEC. 21. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required; the office of mayor, clerk, treasurer, assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of council, from the city for a period of sixty days; the office of marshal shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the council, for the period of twenty days; the office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council first obtained.

SEC. 22. All vacancies occurring as above shall forthwith be filled by the city council, until the next general election, from persons not members of the council.

SEC. 23. An officer appointed to fill a vacancy must, within five

days after being notified of his appointment by the clerk, qualify therefor or he shall be deemed to have declined and the office be considered vacant.

CHAPTER V.

ORDINANCES.

SEC. 24. The style of every ordinance shall be, "The city of Snohomish does or shall as follows."

SEC. 25. An ordinance shall not refer to more than one subject, which shall be clearly expressed in its title; and no ordinance or section thereof shall be revised or amended, unless the new ordinance contains the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 26. All ordinances and resolutions, or orders for the appropriation or payment of money shall require, for their passage and adoption, the concurrence of a majority of all the members of the council. No money shall be drawn from the treasury except in pursuance of an appropriation for that purpose made by an ordinance: *Provided, always,* That where a fund has been created to be expended for a specific purpose the council may, from time to time, direct payments to be made therefrom, for such purpose without additional ordinance. An ordinance making an appropriation of money must not contain a provision upon any other subject.

SEC. 27. All ordinances, after their approval, shall be forthwith recorded in a book kept for that purpose, which record shall be authenticated by the signature of the mayor and clerk, all those of a general and permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made; all such ordinances shall take effect and be in force at the expiration of five days after they have been published.

SEC. 28. The district court holding terms in Snohomish county shall take judicial notice of the ordinances of said city; after an ordinance has been passed six days, such court shall presume the same has been duly published five days, unless the contrary be affirmatively established.

CHAPTER VI.

POWERS OF THE CITY GOVERNMENT.

SEC. 29. The city government of Snohomish has power and authority—

1. To levy and collect taxes for general municipal purposes, not to exceed five mills on the dollar per annum upon all property, both real and personal within the city which is by law taxable for territorial and

county purposes, upon the valuation shown by the annual assessment made by Suohomish county; and to levy and collect special taxes upon the same assessed valuation as hereinafter provided. But all taxes for general and special municipal purposes, exclusive of claims against property owners for improvements as hereinafter provided, shall not exceed in any one year, one and a half per centum of the property assessed.

2. To make regulations for prevention of accidents by fire; to organize and establish a fire department; ordain rules for the government of the same; to provide fire engines and apparatus and a sufficient supply of water, and to levy and collect a special tax of not to exceed three mills for either of such purposes. On the petition of more than one-half of the owners of land within a prescribed area within said city, may prohibit the erection within such limits of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, iron or stone and mortar, and may provide for the removal of any building, or any addition erected contrary to such prohibition.

3. To purchase or condemn, and enter upon and take any lands within or without the corporate limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings and all lands purchased or condemned under the provisions of this sub-division, and all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city on the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

4. To provide for the lighting of the streets and furnishing the city with gas or other lights, and for the erection or construction of such works as may be necessary or convenient therefor, and has power to levy for either of said objects a special tax not exceeding two mills, or the expense of lighting said city may be paid out of the general fund.

5. To provide for opening, cleaning, clearing, grading, graveling, bridging, paving, macadamizing, curbing, guttering, draining or any other manner of improving or repairing of streets, highways and alleys for the construction and repairing of sidewalks upon said streets, highways and alleys, and to regulate cellarways and cellar lights. Said improvements shall not however, be made at the expense of the owners of said lots or parcels of land fronting upon such street, highway or alley, or portion thereof proposed to be improved in either of the manners herein recited, unless the owners of more than one half of the property fronting upon the proposed improvement shall have petitioned the common council to order such improvement to be made.

6. To cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council, with reference to such matter, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done by the city at the expense of the owner, and become a charge upon the property and collected as other city claims against property for work and labor done thereupon are collected.

7. To provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, change, extend, vacate and establish streets, highways, and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to authorize and forbid the location and laying down of tracks for railways and street railways on all streets, alleys and public places, but no railway track can be located and laid down until after the injury to property abutting upon the street, alley, or public places, upon which the track is proposed to be located and laid down, has been ascertained and compensated. Such compensation shall be determined as in other cases where private property is taken for the use of the city.

8. To provide for, and adopt, such a system of sewerage as may be needed; but no moneys shall be expended for pipes, mains or laterals, to be used therefor, until the system proposed, with an estimate of the cost thereof, has been submitted to a vote of the qualified city electors at an annual or special election, and the expenditure authorized by a majority vote at such election.

9. To erect and maintain water-works within or without the city or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water; but no such works shall be erected by the city, until a majority of the voters of the city, at a general or special election assent thereto.

10. To make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or other diseases therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, medical attendance, nursing, etc., and in case of death their funeral, and if said persons be solvent, to collect from them or their estates the necessary expenses incurred, to provide for the restraint and employment of vagrants, to restrain and punish any disturbance, or any unlawful or indecent practice, and to define what shall constitute the same.

11. To cause every person to keep his property or the property he occupies or controls and the adjacent streets and alleys clean and free from all things dangerous to health, or offensive to the senses or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit.

12. To make regulations and pass ordinances preventing domestic and other animals from running at large, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and and costs of proceedings, or may authorize their destruction.

13. To regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawn-brokers and all other callings, trades and employments as the public good may require to be licensed and regulated, and not prohibited by law.

14. To pass all necessary ordinances to secure the peace and good order of the city; to establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests with or without warrants, within the limits of the city; to summon aid and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders.

15. To regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other explosives, and to provide or license magazines for the same; to prevent or punish fast or immoderate riding or driving of horses through the streets; to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols, and fire-arms, fire crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter houses, wash houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof.

16. To license, regulate and restrain wholesale and retail dealers in spirituous and malt liquors, bar-rooms, drinking shops or saloons, tippling houses, billiard-tables, pool-tables, pigeon hole, Jenny Lind, or other gaming tables kept for hire, and bowling alleys and shooting galleries and fix the rate and terms upon which such licenses shall be granted, but the rate of license and bond of application shall in no case be less than prescribed in the general license law of the Territory of Washington, and until an ordinance shall be passed regulating the issue of such licenses, the provisions of the general license law of the territory shall apply, except that the common council of Snohomish, instead of the county commissioners of Snohomish county, shall have exclusive authority within said limits to hear and determine all applications for license, and that the moneys arising from the issue of such licenses shall be paid into the city treasury of Snohomish; one-half of the money derived from all such licenses shall be paid by the said city of Snohomish into the county treasury of Snohomish county.

17. To suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to

smoke opium, and to provide by ordinance for the summary closing of such places, houses or rooms.

18. To regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body heretofore or hereafter interred contrary to such prohibition to be taken up and buried without the city limits.

19. To levy and collect a special tax or taxes not to exceed in the aggregate in any one year, one and a half per centum upon all taxable property in said city; said special taxes to be applied to any purpose authorized by this charter. Every ordinance providing for the levy of a special tax must specify the object for which levied, and the estimated amount required to be raised. The indebtedness of the city must never exceed in the aggregate the sum of five thousand dollars, and any debt or liability incurred in excess of said sum of five thousand dollars shall be invalid and void.

20. To enact proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding one hundred dollars or imprisonment for not more than thirty days or by both, or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment or committed in default of payment of any such fine and the costs of prosecution, upon the streets or public squares during the term thereof, a day's labor being equivalent to two dollars in payment of such fine and costs and such fine and costs may also be collected by execution against the property of the defendant, the amount so collected to be credited on the judgment.

21. To establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States, or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER VII.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 30. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinances of the city conferred on some other officer.

SEC. 31. The common council shall have power to equalize taxes upon the assessment roll of the city at any time prior to the day fixed for taxes becoming delinquent: *Provided*, That ten days' notice by publication or written or personal service shall be given to any person whose name it is proposed to add to the list, or to any person whose

assessment it is proposed to increase, citing him to come forward and show cause, if any there be, why such action should not be taken by said common council.

SEC. 32. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members.

SEC. 33. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 34. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings and on call of any one of its members must cause the yeas and nays to be taken, and entered in its journal upon any question before it. But on a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public. The council may punish any person or member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting, without sufficient excuse therefor, and may, by a two-thirds vote, expel a member.

SEC. 35. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, but has authority to preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own members president to serve during the meeting, or until the mayor attends.

SEC. 36. On the tenth day next following any general election, there must be a regular meeting of the council, and such meeting is appointed by this act, and no notice thereof, or call therefor, is necessary.

SEC. 37. A majority of the whole number constituting the council as then provided by law, is a majority of the council or members thereof, within the meaning of this act and not otherwise, unless expressly so provided; the concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, other than the final passage of an ordinance.

SEC. 38. The council shall approve all official bonds which this act or the ordinances of the city may require any officer to give as security for the faithful performance of his duty, or any bond which may be required of any contractor for the faithful performance of his contract, and when so approved must be filed with the clerk.

CHAPTER VIII.

THE MAYOR, HIS POWER AND DUTIES.

SEC. 39. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in July, to communicate by

message to the common council, a general statement of the condition and affairs of the corporation, and to recommend such measures as he may deem expedient, and to make special communications to the council from time to time as he may think useful.

SEC. 40. He shall exercise a constant supervision over the conduct of all subordinate officers, especially the marshal and police department, and receive and examine into all complaints made or preferred upon oath of a respectable party against such officers for a violation or neglect of duty, and certify the same to the common council, who shall fully investigate the charges.

SEC. 41. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 42. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval, and if he approves he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the said objections to be entered on their journal, and shall proceed to reconsider the said ordinance. If, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law.

SEC. 43. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall choose one of their own members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER IX.

POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 44. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council.

SEC. 45. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings and to file and keep all papers and books of the council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 46. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall by a vote direct whether the same or any part thereof shall be paid as they may deem just and legal.

SEC. 47. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk shall draw a warrant upon the treasurer for the amount

ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

SEC. 48. The clerk must keep proper books of accounts showing showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance or proper and necessary to a correct understanding of the finances of the city.

SEC. 49. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the clerk.

SEC. 50. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 51. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper published in the county.

SEC. 52. The assessor must annually make a correct list of all the property subject to taxation by the city of Suohomish with the valuation thereof, and certify and return the same to the clerk.

SEC. 53. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous they must correct it; the party applying for such correction may be examined as a witness in relation to the matter, if he desires it or the council require it.

SEC. 54. The assessment of property must be made in the manner prescribed by law for assessing property for territorial and county taxes; but the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment, and the return thereof, and of applying to the council for a revision thereof must be prescribed by ordinance.

SEC. 55. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

SEC. 56. The marshal is a peace officer and must execute all processes issued by the justice of the peace of the city, or directed to him by any magistrate of this territory. He must attend regularly upon the court of said justice of the peace and the meetings of the council. He has power by and with the approval of the council to appoint one or more deputies, who shall possess the same power. He shall make arrests for breach of the peace, or of a commission of a crime within the city limits with or without warrants, as a peace officer may do under the laws of the territory. He shall exercise a vigilant control over the peace and quiet

of the city, and he is the keeper of the city prison or house of correction, unless otherwise prescribed by ordinance.

SEC. 57. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report, in writing, each month to the city council.

SEC. 58. The justice of the peace must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly all such moneys and take duplicate receipts therefor, and which he must file with the clerk.

SEC. 59. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 60. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 61. The official books and papers of any officer mentioned in this act may be inspected at any time by a committee of the council appointed for that purpose.

CHAPTER X.

OF THE COLLECTION OF TAXES.

SEC. 62. On the receipt by the city clerk of the city assessment, the mayor shall cause the common council to be notified that at their next regular meeting the annual municipal tax will be levied; at such regular meeting, or as soon thereafter as practicable, the council shall, by ordinance, levy a municipal tax for the year, and prescribe the time therein, not less than thirty days nor more than sixty days after said ordinance shall take effect when municipal, road property and bridge taxes shall be paid, or draw interest thereafter at ten per centum per annum unpaid. At such meeting or as soon thereafter as practicable, said common council, shall, by ordinance, prescribe the time when the collector shall demand road poll taxes.

SEC. 63. The city assessor, clerk, collector, treasurer and collector of delinquent taxes, are each and all empowered to list and attach a proper valuation to property which may have escaped assessment, or add names of persons liable to poll tax, to such road poll list, who may have been omitted, noting such addition as a supplementary assessment.

SEC. 64. The city clerk shall, from the said city assessment, make a road poll tax list containing the names of all persons found within the city liable to pay such road poll tax, and forthwith furnish said list to the collector, and he shall proceed at once to collect said poll tax. The collector must add to said list the names of all persons found within the city liable to pay such road poll tax, who shall fail to produce a receipt for the payment of a road poll tax for the current year, and shall

demand the amount for each person named upon the list. If the person, on demand, refuses to pay said tax, it shall be lawful to distrain upon his personal property, not exempt from execution, and sell the same in the manner provided by law for constable's sales of property on execution; or it shall be lawful for the collector to give the opportunity to such delinquent to work out said tax and costs, by work upon the streets.

SEC. 65. The warrant issued by the clerk for the collection of delinquent road poll taxes, shall be deemed an execution against personal property, and shall have the force and effect thereof, against any property not exempt from execution. On refusal to pay or work out said poll tax if no personal property can be found whereon to levy, the collector may then proceed as in the next section specified.

SEC. 66. Any delinquent who has not sufficient personal property exempt from execution, out of which to make said taxes, who shall have refused or neglected to pay said road poll tax upon demand, if he is in the employ of any person, firm, corporation or company, or agent thereof, the collector must demand from the person, firm, corporation, company or agent employing such party, said road poll tax due by such employer and it shall be lawful for such person, firm, corporation or company, or the agent thereof, to retain from the wages of such employe the sum of four dollars for his road poll tax.

SEC. 67. On or before the fifteenth day of June, if before that time the city assessment has been filed and the municipal tax levy made by the common council, or if not then as soon thereafter as practicable, the city clerk shall place in the hands of the treasurer a correct transcript from the city assessment, excluding therefrom the road poll tax column, and the names of such persons as are only liable to road poll tax; which transcript shall be called "city tax transcript," and shall contain the municipal, road property and bridge tax levied within the city limits. The clerk shall annex thereto a warrant directing said treasurer to collect said taxes. Said treasurer shall forthwith give public notice by three weekly insertions in the newspaper doing the city printing that said tax transcript is in his hands, that the taxes are payable, and the date at which interest accrues if they remain unpaid.

SEC. 68. The council must provide by ordinance within what time all municipal taxes, whether general or special, may be paid to the treasurer; and all taxes not paid within such time thereafter draw interest at ten per centum per annum until paid.

SEC. 69. The treasurer, immediately after the 31st day of December of each year, shall return such city tax transcript to the city clerk, distinguishing thereon the taxes paid and those unpaid. The city shall thereupon issue and annex thereto a warrant directed to the county treasurer or collector of delinquent county and territorial taxes authorizing the collection of delinquent taxes upon such roll, in the manner provided by law for the collection of delinquent territorial and county taxes, and thereafter all proceedings for the collection of such delinquent taxes shall be as regulated and prescribed in the laws of the territory relating to the collection of delinquent taxes.

SEC. 70. All the penalties and forms prescribed by the general

road law of the territory for the collection of road and bridge taxes not herein modified, may be resorted to in the collection of said road and bridge taxes within the said city, as fully as though the provisions thereof were embodied in any ordinance of said city referring to such taxes.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SEC. 71. In all cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owner of such property; and where such owners and the city council are unable to agree as to the amount of such compensation, the same shall be determined in the manner provided by the general laws of this territory, relating to the mode of proceeding to appropriate land by private corporations.

SEC. 72. The city is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, and made in writing, and by order of the council, signed by the clerk or some other person in behalf of the city, but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 73. The fiscal year of the city shall commence on the first day of July, and end on the last day of June of each year.

SEC. 74. The mayor and councilmen shall not receive any compensation for their official services.

SEC. 75. The city shall not be liable to any one for any loss or injury to person or property, growing out of any casualty or accident happening to such person or property on account of the condition of any street or public grounds therein. But this section does not exonerate any officer of the city, or any person from such liability, when such casualty or accident is caused by the wilful neglect of a duty enjoined upon such officer or person by law, or by gross negligence or wilful misconduct of such officer or person in any respect.

SEC. 76. On the second Monday of January A. D., 1884, a special election shall be held at the court house in the city of Snohomish, Territory of Washington, between the hours of ten (10) o'clock A. M., and five (5) o'clock P. M. of the same day, for the purpose of electing the officers to fill the respective offices as named in this charter, who shall carry out the provisions of this act. The following named persons shall act as inspector and judges of this election, to wit: Geo. G. England, inspector, and Homer Moore and John Stevenson, judges. The election returns of said election shall be returned and delivered to the county auditor of said Snohomish county, Washington Territory, and the said auditor shall call to his assistance a justice of the peace of Snohomish precinct and the two shall canvass the votes cast at said election as in the general election law provided. Said officers so elected shall qualify within ten (10) days after the election thereof. Any vacancy caused by the

failure of any person elected at said election shall be filled by appointment by the qualified councilmen. Should any judge or inspector of said election named herein fail to attend or to act at the proper time, the voters then present may elect another in his place.

SEC. 77. This act shall take effect and be in force from and after its passage and approval.

Approved November 24, 1883.

AN ACT

TO CONSOLIDATE THE CITIES OF TACOMA AND NEW TACOMA, UNDER THE NAME OF TACOMA.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That on and after the first Monday of January, 1884, the city of Tacoma, incorporated November 12, 1875, and New Tacoma, incorporated November 5, 1881, shall be consolidated under one city government, to be known as Tacoma. The inhabitants of Pierce county, Washington Territory, and their successors, within the limits hereinafter prescribed, are hereby constituted and declared to be a city corporation by the name and style of Tacoma, and by such name shall have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits or proceedings whatsoever; may purchase, hold and receive property, both real and personal, within said city, for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for city parks, for burial purposes, for the establishment and maintenance of a hospital for the reception of persons affected with contagious diseases, for work-houses, and for houses of correction; also, for the erection of water-works to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city; and they shall have and use a common seal, and may alter or break the same, or make a new one at pleasure.

SEC. 2. The corporate limits of Tacoma, shall be as follows: Commencing upon the shore-line of Commencement Bay, where it is intersected by the section line dividing sections twenty-three (23) and twenty-four (24), township twenty-one (21) north, two (2) east; thence south along section line to southwest corner of section twenty-five (25) in said township; thence east to township line between ranges two (2) and three (3) east; thence south along said township line to southwest corner of section six (6) township twenty (20) north, three [3] east; thence

east along section line south boundary of section six (6) to the southeast corner of section six (6); thence south on boundary line between sections seven (7) and eight (8) to the southwest corner of section eight (8); thence east on south line of sections eight (8), nine (9) and ten (10), to the west boundary line of Puyallup Indian Reservation; thence northerly along the west boundary of said Reservation to the north boundary of Pierce county; thence following said boundary westerly to a point opposite the point of beginning on the shore line of Commencement Bay; thence south to the point of beginning—including sections twenty-four (24) and twenty-five (25), township twenty-one (21) north, two (2) east, sections twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34), township twenty-one north, three (3) east and sections four (4), five (5), six (6), eight (8), nine (9), and fractional sections three (3) and ten [10], in township twenty north, three (3) east.

SEC. 3. The corporate city limits aforesaid shall not be included within any road district, nor shall the county commissioners of Pierce county have any jurisdiction over the expenditure of road tax collected therein; and so much of any county public road as lies within said corporate limits, shall be kept in repair by the council of said city; but the said council may, by ordinance, vacate said road or part thereof, and conform the same to opened and established streets. Said city shall be a separate and independent road district, under the exclusive control of the said city corporation. All road taxes, whether road poll or road property taxes, levied, assessed or collected, by virtue of the general road and revenue laws of the Territory of Washington, within the corporate limits of said city, shall belong to said city, and be expended therein, under the authority and direction of the common council thereof, upon county roads or parts thereof lying within said city limits and upon the streets and alleys of said city. The rate of taxation for road purposes shall be ascertained and be the same as fixed or levied for road purposes under the general laws of the territory, but the time for demanding and collecting the same, whether road poll or road property taxes, shall be as prescribed by city ordinances. To secure to said city the full enjoyment of said road fund or tax, the city assessor or other officer may be authorized by ordinance at any time to make a full list of all persons within said city limits liable to road tax, both poll and property, which tax may be demanded and collected at such time as shall be fixed by ordinance. As soon as the annual assessment shall have been returned and collected and filed with the county auditor of Pierce county, it shall be the duty of the city clerk to present said road list to the said county auditor, who, at the cost and expense of said city, shall transcribe to said list the assessed value of all taxable property within said city, and the amount of road property tax due thereupon within said city limits. Said property road tax may forthwith be demanded, collected and disbursed as aforesaid, within said city limits, in accordance with city ordinances directing the appropriation of said road fund. The city may appropriate from its general municipal fund money to aid in the opening of streets or work upon roads or bridges within city limits, but the said city shall not be entitled to receive from the county of Pierce any appropriation of county funds in aid of roads or bridges within the corporate

limits of said city. Delinquent road taxes due within said city are collected as other delinquent road taxes are collected under the general laws of the territory; and all road taxes, whether road poll or road property, levied or assessed within said city limits, paid to the county treasurer when other taxes are paid or collected as delinquent or redeemed delinquent taxes, less the commissions for or expenses of collecting, shall be paid by said county treasurer to the city treasurer, on demand made by the latter.

SEC. 4. Said corporate limits shall be divided into two school districts, to be respectively known as West Tacoma school district [late No. 10, Pierce county], and East Tacoma district [late No. 13, Pierce county]. All of the city limits west of the late boundary line between the two cities consolidated by this act shall constitute the West Tacoma school district. The remainder of the city shall be embraced in, and be known as, East Tacoma school district. Said school districts shall be separate and independent school districts, entitled to receive and enjoy their separate share of the common school fund of the county, and maintain schools therein as though the consolidation had not been made; and one-third of the money received by the city for liquor licenses, wholesale or retail, if issued to be used within the limits of West Tacoma school district, shall be paid to the school fund of said district, and one-third of the money issued for such liquor licenses to be used within the limits of East Tacoma school district, shall be paid to the school fund of said district.

CHAPTER II.

OF THE GOVERNMENT OF THE CITY.

SEC. 5. The power and authority given to the city government of Tacoma by this act shall be vested in a mayor and common council, together with such other officers as are in this act provided or may be created under its authority.

SEC. 6. For the purposes of municipal representation said city of Tacoma is hereby divided into three wards, designated and bounded as follows: First ward shall include all that part of the said city which constituted the late Tacoma city, with all the corporate limits of this city west thereof. Second ward shall embrace all of the corporate limits between the said late dividing line between Tacoma city and New Tacoma and South Eleventh street; and Third Ward all that part of the city lying and being south of South Eleventh street. But nothing herein contained shall be construed as preventing said city at any future time from creating additional wards and defining ward boundaries.

SEC. 7. Each ward herein established, and any additional ward that may be hereafter established, is and shall be entitled to elect three members of the common council. At the first municipal election under this charter each ward shall elect three common councilmen, designating upon their ballots one to serve for one year, one to serve for two years, and one to serve for three years. And at every succeeding municipal

election thereafter, there shall be elected from each of said wards one councilman to serve for the term of three years.

SEC. 8. The mayor shall be elected for two years, and shall hold his office until his successor is elected and qualified.

SEC. 9. There shall be elected as hereinafter provided, committing magistrates, marshal, clerk, attorney, treasurer, health officer, city surveyor, street commissioner, harbor master, assessor and collector, who shall be officers of the municipal corporation. The marshal shall be elected by the qualified voters of the corporation, and shall hold his office for one year, or until his successor is elected and qualified. The common council shall annually, at the first regular meeting thereof, after the qualification of the new members elected at each annual city election, designate as committing magistrates of the city one of the justices of the peace for each of the precincts including said city, who shall have been duly elected and qualified as required by law. Said committing magistrates shall have jurisdiction to hear and determine without a jury all complaints of violation of any ordinances of the city and all actions brought to enforce any penalty imposed by such ordinances, and full power and authority to hear and determine all causes, civil and criminal, arising under such ordinances. All civil and criminal proceedings before such committing magistrates, under and by authority of this act, as herein modified, shall be governed and regulated by the general laws of the territory relating to justices of the peace and to their practice and jurisdiction, and shall be subject to review in the district court by *certiorari* or appeal, the same as other cases. The county treasurer of Pierce county shall be *ex officio* treasurer of the city. The attorney, clerk, health officer, surveyor, street commissioner, harbor master, assessor and collector shall be elected by the common council at the meeting above specified, and they shall be liable, at any time to be removed by the council for malfeasance, misfeasance, inattention or incompetency. Nothing in this section contained shall be construed as prohibiting the election of one and the same person to two or more of said offices, where the duties of such are not incompatible.

SEC. 10. No person is eligible to any office in the municipal corporation who, at the time of his election or appointment is not an elector according to the laws of the territory, and who has not resided in the city for the six months next preceding such election or appointment. Nor shall any person be eligible to the common council, except he be a resident of the ward at the time he is chosen; removal from the ward for which he was elected shall disqualify him as a member of the common council.

CHAPTER III.

OF ELECTIONS.

SEC. 11. The annual municipal election for officers required to be elected under this act shall be held on the first Monday of May of each and every year.

SEC. 12. No person shall be entitled to vote at any municipal election, annual or special, who is not a qualified elector, for Territorial and county officers according to the law of the Territory of Washington, and who shall not have resided in said city for the six months next preceding the day of election, and who shall not have entered his name upon the city registry, as provided in the next section.

SEC. 13. The city clerk shall keep a book in his office, to be entitled "City Registry," in which all voters shall register their names and designate the ward in which they reside, at least thirty days before the annual election; and the said city clerk shall furnish the judges of election in each ward with a list of the registered voters of such ward; and none but such registered voters shall be allowed to vote at any municipal election. This section shall not, however, be construed to require a voter once registered to register again, unless such voter may have changed his ward residence, or lost his residence.

SEC. 14. That at all elections for city officers the vote shall be by ballot at the time and place designated by the common council. The council shall designate one place in each ward for holding the election therein, and appoint three judges and two clerks of election for each ward.

SEC. 15. The city clerk, under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in each ward of the city and by publication in the newspaper doing the city printing, of such municipal election, the officers to be elected, the place designated for holding the election and the judges and clerks appointed to conduct the same.

SEC. 16. All elections shall commence at ten o'clock A. M. and continue until seven o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters of the ward, then present, may elect another in his place; and if any clerk of election fails to attend at the proper time, the judges of election may appoint another in his place. The mayor and marshal shall each be elected by the qualified electors of the whole city, and the councilmen by the qualified voters of each ward from which chosen.

SEC. 17. Judges of election must possess the qualifications of voters in the wards where they act as such, but a mistake or error in this respect, or a failure to give the notice required by section 15, shall not invalidate any election otherwise legal.

SEC. 18. On the first regular meeting of the council next after such election the returns thereof shall be canvassed by the city council, and the written statement of such canvass shall be made and signed by the mayor and attested by the clerk, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given at such election, the number given for any office, and the names of persons elected, and to what office.

SEC. 19. After such statement of the canvass is filed, the clerk shall make and sign within two days thereafter, a certificate of election for each person declared thereby to be elected, and deliver the same to him on demand.

SEC. 20. A certificate of election is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor and its own members; a contested election for any other office must be determined according to the laws of the territory, regulating proceedings in contested elections for county officers.

SEC. 21. The term of office of every person, elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly except as otherwise provided by this act; and by such time such person must qualify by taking and filing the oath of office, and give such official bond for the faithful performance of his duties as may be required, or he shall be deemed to have declined and the office shall be considered vacant.

SEC. 22. All officers elected under this act, before entering upon the duties of their office, must take and file with the clerk, an oath of office to the following effect: "I, A B, do solemnly swear or [affirm] that I will support the constitution of the United States and the organic act of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of ———, during my continuance therein. So help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 23. All laws of this territory, regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

ARTICLE IV.

VACANCIES IN OFFICE.

SEC. 24. An office becomes vacant upon the death or resignation of the incumbent, or failure to qualify as required; the office of mayor, clerk, treasurer, assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of the council, from the city for a period of sixty days; the office of marshal and the committing magistrate shall be deemed vacant whenever the incumbent shall be absent from the city without leave of the council, for the period of twenty days; the office of councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council, first obtained, or when he shall remove from or cease to be a resident of the ward for which elected,

SEC. 25. All vacancies occurring in the offices of marshal and such offices as are eligible by the common council, shall forthwith be filled by said common council. If the office of mayor becomes vacant, the city council shall forthwith proceed to elect one of its own members to fill such vacancy, until the next annual municipal election. A councilman thus elected mayor, upon qualification to the latter office, ceases

to be a member of the council, and a vacancy therein exists. Vacancies in the common council shall be filled by special election in the proper ward, ordered by the mayor, and ten days' notice given by the clerk, conducted as the annual election and by the same officers, and shall be held to fill the vacancy until the next annual election, at which annual election a councilman shall be elected to fill the unexpired term. Any officer appointed or elected to fill a vacancy in an office eligible at an election, shall continue to hold his office until the next annual election only.

SEC. 26. An officer appointed to fill a vacancy must, within five days after being notified of appointment by the clerk, qualify therefor, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER V.

OF THE ORGANIZATION AND POWERS OF THE COUNCIL.

SEC. 27. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 28. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members.

SEC. 29. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 30. The council may adopt rules for the government of the conduct of its members and its proceedings. It must keep a journal of its proceedings and on the call of any one of its members must cause the yeas and nays to be taken, and entered in its journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 31. The council may punish any member for disorderly or improper conduct at any meeting, or for refusing or neglecting to attend any regular meeting, without sufficient excuse therefor, and may, by a two-thirds vote, expel a member.

SEC. 32. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, except in cases of a tie, when he may give the casting vote; he shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting, or until the mayor attends.

SEC. 33. On the tenth day next following the annual municipal election, there must be a regular meeting of the council, and such meeting is appointed by this act, and no notice thereof, or call therefor, is necessary.

SEC. 34. A majority of the whole number constituting the council as then provided by law, is a majority of the council or members thereof, within the meaning of this act. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, other than the final passage of an ordinance.

SEC. 35. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

CHAPTER VI.

ORDINANCES.

SEC. 36. The style of every ordinance shall be, "The common council of the city of Tacoma does ordain as follows."

SEC. 37. An ordinance shall not refer to more than one subject, which shall be clearly expressed in its title; and no ordinance or section thereof shall be revised or amended, unless the new ordinance contains the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 38. All ordinances and resolutions, or orders for the appropriation of money shall require, for their passage and adoption, the concurrence of a majority of all the members of the council. No money shall be drawn from the treasury except in pursuance of an appropriation for that purpose made by ordinance: *Provided, always,* That where a fund has been created to be expended for a specific purpose the council may, from time to time, direct payments to be made therefrom, for such purpose without additional ordinances. An ordinance making an appropriation of money must not contain a provision upon any other subject, and if it does, such ordinance as to such provisions shall be void.

SEC. 39. All ordinances, after their approval, shall be forthwith recorded in a book kept for that purpose, which record shall be authenticated by the signature of the mayor and the clerk; all those of a general and permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the city printing, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made; all such ordinances shall take effect and be in force at the expiration of five days after they have been published.

SEC. 40. The district court holding terms in said city shall take judicial notice of the ordinances of said city; after an ordinance has been passed six days, such court shall presume the same has been duly published five days, unless the contrary be affirmatively established.

CHAPTER VII.

POWERS OF THE CITY GOVERNMENT.

SEC. 41. The city government of Tacoma has power and authority—

1. To levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal within the city which is by law taxable for territorial and county purposes, upon the valuation shown by the annual assessment made by Pierce county; and to levy and collect special taxes upon the same assessed valuation as hereinafter provided. But all taxes for general and special municipal purposes, exclusive of claims against property owners for improvements as hereinafter provided, shall not exceed in any one year, one and a half per centum of the property assessed.

2. To make regulations for prevention of accidents by fire; to organize and establish a fire department; ordain rules for the government of the same; to provide fire engines and apparatus and a sufficient supply of water, and to levy and collect a special tax of not to exceed three mills for either of such purposes. On the petition of more than one-half of the owners of ground within a prescribed area within said city, may prohibit the erection within such limits of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, iron, or stone and mortar, and may provide for the removal of any building, or any addition erected contrary to such prohibition.

3. To purchase or condemn, and enter upon and take any lands within or without the corporate limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings and all lands purchased or condemned under the provisions of this subdivision, and all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city on the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

4. To provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor, and has power to levy for either of said objects a special tax not exceeding two mills, or the expense of lighting said city may be paid out of the general fund.

5. To provide for opening, clearing, grading, graveling, bridging,

paving, macadamizing, curbing, guttering, draining or other manner of improving or repairing of streets, highways and alleys and for the construction and repairing of sidewalks upon said streets, highways and alleys. Said improvement shall not, however, be made at the expense of the owners of said lots or parcels of land fronting upon such street, highway or alley, or portion thereof proposed to be improved in either of the manners herein recited, unless the owners of more than one-half of the property fronting upon the proposed improvement shall have petitioned the common council to order such improvement to be made, except as provided in chapter XI, sections 72, 73 and 74 of this charter.

6. To provide for the prevention and removal of obstructions of any street, highway or alley, sidewalk or street crossing; to regulate cellar-ways and cellar-lights in sidewalks, and to provide for cleaning the streets; also for the construction of sewers, gutters or drains, and cleaning and repairing the same.

7. To cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council, with reference to such matter, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done by the city at the expense of the owner, and become a charge upon the property and collected as other city claims against property for work and labor done thereupon are collected.

8. To provide for the survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, change, extend, vacate and establish streets, highways, and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to authorize and forbid the location and laying down of tracks for railways and street railways on all streets, alleys and public places, but no railway track can be located and laid down until after the injury to property abutting upon the street, alley, or public places, upon which the track is proposed to be located and laid down, has been ascertained and compensated. Such compensation shall be determined as in other cases where private property is taken for the use of the city.

9. To provide for, and by ordinance adopt, such a system of sewerage as may be needed; but no moneys shall be expended for pipes, mains or laterals, to be used therefor, until the system proposed, with an estimate of the cost thereof, has been submitted to a vote of the qualified city electors at an annual or special election, and the expenditure authorized by a majority vote at such election.

10. To erect and maintain water-works within or without the city or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water; but no such works shall be erected by the city, until a majority of the voters of the city, at a general or special election assent thereto.

11. To make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or other diseases therefrom, to suitable hospitals provided by the city for that purpose, and to provide for their support, and if said persons be solvent, to collect from them or their estates the expense of keeping them in such hospital; to provide for the restraint and employment of vagrants, to restrain and punish any disturbance, or any unlawful or indecent practice, and to define what shall constitute the same.

12. To cause every person to keep his property or the property he occupies or controls and adjacent streets and alleys clean and free from all things dangerous to health, or offensive to the senses or dangerous to travelers, and to keep said streets and alleys free from inflammable material, and to cause owners of public halls and other buildings to provide suitable means of exit.

13. To make regulations and pass ordinances preventing domestic and other animals from running at large, and to license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceedings, or may authorize their destruction.

14. To regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements; and to license, tax and regulate auctioneers, hawkers, peddlers, brokers, pawn-brokers and all such callings, trades and employments as the public good may require to be licensed and regulated, as are not prohibited by law.

15. To pass all necessary ordinances to secure the peace and good order of the city; to establish and maintain a day and night police, or either of them, and to provide for the election or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests, with or without warrants, within the limits of the city; to summon aid and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders.

16. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gaming; to regulate the transportation, storage and sale of gunpowder, giantpowder, dynamite, nitro-glycerine or other explosives, and to provide or license magazines for the same, and to prevent, by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein;

to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and fire-arms, fire-crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter-houses, wash-houses and public laundries, and to provide for their exclusion from the city limits, or from any part thereof; to regulate the driving of stock through the streets; to compel all persons erecting or maintaining privies or cesspools within one hundred and fifty feet of any street in which a sewer has been or may hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of gas lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other purposes; to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled persons, and to prohibit professional begging upon the streets or in public places; to regulate the numbering of houses and lots on the streets and avenues, and the naming of the streets and avenues; to provide for cleaning and sprinkling of the streets, and to punish those who shall refuse so to do; to prohibit persons from roaming the streets at unreasonable hours, and to prevent and punish by ordinance all other wrongful acts which amount to misdemeanors at common law or by the statutes of the territory, within the criminal jurisdiction of a justice of the peace.

17. To license, regulate and restrain wholesale and retail dealers in spirituous and malt liquors, bar-rooms, drinking shops or saloons, tipping houses, billiard-tables, pool-tables, pigeon hole, Jenny Lind, or other gaming tables kept for hire, and bowling alleys, and fix the rates and terms upon which such licenses shall be granted, but the rate of license and bond of applicant shall not be less than prescribed in the general license law of the Territory of Washington. Until an ordinance shall be passed regulating the issue of such licenses, the provisions of the general license law of the territory shall apply, except that the city council of Tacoma instead of the county commissioners of Pierce county, shall have exclusive authority within said limits to hear and determine all applications for license, and that the moneys arising from the issue of such licenses shall be paid into the city treasury of the city. One-third of the money derived from liquor licenses shall go the school fund of the two school districts as provided in section four of this charter.

18. To suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to smoke opium, and to provide by ordinance for the summary closing of such places, houses or rooms.

19. To regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred

contrary to such prohibition to be taken up and buried without the limits of the city.

20. To establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

21. To levy and collect a special tax in addition to those authorized in subdivisions two and four of this section, not to exceed one per centum in any year, upon all taxable property as shown by the annual assessment for territorial and county purposes, for any purpose authorized by this charter, including the payment of an existing indebtedness. Every ordinance providing for the levy of a special tax must specify the object for which levied, and the estimated amount required to be raised. The indebtedness of the city must never exceed in the aggregate the sum of twenty-five thousand dollars, and any debt or liability incurred in excess of said sum of twenty-five thousand dollars shall be invalid and void.

22. To enact proper ordinances for the government of the city, and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding one hundred dollars or imprisonment for not more than thirty days or both; or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment or committed in default of payment of any such fine and the costs of prosecution, upon the streets or public squares during the term thereof, a day's labor being equivalent to two dollars in payment of such fine and costs; and such fine and costs may also be collected by execution against the property of the defendant, the amount so collected to be credited on the judgment.

23. To make harbor regulations and rules; to prescribe and collect harbor dues from all vessels and water craft whatever, arriving at or departing from the city; to license wharfingers; and to build, construct and regulate wharves, piers and landing places.

24. To establish and regulate the fees and compensation of all its officers, except when otherwise provided; and such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States, or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER VIII.

THE MAYOR, HIS POWER AND DUTIES.

SEC. 42. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in July, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and to recommend such measures as he may deem expedient, and to make special communications to the council from time to time as he may think useful.

SEC. 43. The mayor shall approve all official and other bonds, which by the city ordinances are required to be given, and when he approves such bonds they shall be immediately filed in the office of the city clerk. He shall exercise a constant supervision over the conduct of all subordinate officers, especially the marshal and the police department, and receive and examine into all complaints made or preferred upon oath of a respectable party against any such officer for a violation or neglect of duty, and certify the same to the common council, who shall investigate the same. If the complaint be true and the cause sufficient, the common council shall have power to declare the office of the person so complained against vacant.

SEC. 44. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 45. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval, and if he approves he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the said objections to be entered on their journal, and shall proceed to reconsider the said ordinance. If, after such reconsideration, two-thirds of the members of the council shall agree to pass the same, it shall become a law.

SEC. 46. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall choose one of their own members, who shall be the acting mayor, and perform all the duties of such office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER IX.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SEC. 47. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council, and perform such other duties as may be designated by ordinance or other direction of the common council.

SEC. 48. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings and to file and keep all papers and books of the city council. The city clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 49. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall by a vote direct whether the same shall be paid or any part thereof.

SEC. 50. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount

ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

SEC. 51. The clerk must keep proper books of accounts showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance or proper and necessary to a correct understanding of the city finances. Warrants on the city treasury must specify the liability for which they are drawn, and when they accrued, and must be paid in the order of presentation to the treasurer. If the fund is insufficient to pay any warrant, it must be registered by the treasurer, and thereafter paid in the order of its registration.

SEC. 52. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 53. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper authorized to do the city printing.

SEC. 54. The collector shall collect the road poll and such special taxes and claims as shall be directed by ordinance, or when required by warrant signed by the mayor and city clerk, and shall pay the same forthwith to the treasurer, reporting monthly his collections to the common council.

SEC. 55. The assessor shall annually, within the month of May, or as soon as practicable after the annual assessment of Pierce county shall have been corrected and filed with the county auditor of said county, extract and compile therefrom a full and correct list of the taxable inhabitants of the city, exhibiting the valuation of real property within the city limits and taxable personal property, and the road poll, road property and bridge tax, levied thereupon, which shall be called the annual city assessment. Omissions from said list may be supplied and noted by the assessor. Said city assessment shall be returned to and filed with the city clerk, on or before the first Monday in June. Said assessor shall also take the census of inhabitants of said city, when and in the manner directed by ordinance, and shall perform all other duties from time to time required of him by ordinance.

SEC. 56. The marshal is a peace officer and must execute all process issued by the committing magistrates of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the courts of said committing magistrates and the meetings of the council. He has power by and with the approval of the council to appoint one or more deputies, who shall possess the same power. He shall make arrests for breach of the peace, or for commission of a crime or misdemeanor within the city limits with or without a warrant, as a peace officer may do under the laws of the territory. He shall exercise a vigilant control over the peace and quiet of the city, and is keeper

of the city jail or house of correction, unless otherwise provided by ordinance.

SEC. 57. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report, in writing, each month to the city council, or whensoever, demanded by said council.

SEC. 58. Each of the committing magistrates of the city shall, before exercising any of the functions of such office, give a bond to the city in such sum and conditions as the council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this act, and he must pay to the treasurer monthly all city moneys and fines by him collected, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 60. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 61. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 62. The official books and papers of any officer mentioned in this act may be inspected at any time by a committee of the council appointed for that purpose.

CHAPTER X.

OF THE COLLECTION OF TAXES.

SEC. 63. On the receipt by the city clerk of the city assessment, the mayor shall cause the common council to be notified that at their next regular meeting the annual municipal tax will be levied; at such regular meeting, or as soon thereafter as practicable, the council shall, by ordinance, levy a municipal tax for the year, and prescribe the time therein, not less than thirty days nor more than sixty days after said ordinance shall take effect when municipal, road property and bridge taxes shall be paid, or draw interest thereafter at ten per centum per annum until paid. At such meeting or as soon thereafter as practicable, said common council, shall, by ordinance, prescribe the time when the collector shall demand road poll taxes.

SEC. 64. The city assessor, clerk, collector, treasurer and collector of delinquent taxes, are each and all empowered to list and attach a proper valuation to property which may have escaped assessment, or add names of persons liable to poll tax, to such road poll list, who may have been omitted, noting such addition as a supplementary assessment.

SEC. 65. The city clerk shall, from the said city assessment, make a road poll tax list containing the names of all persons found within the city liable to pay such road poll tax, and forthwith furnish said list to the collector, and he shall proceed at once to collect from such persons

the said poll tax. The collector must add to said list the names of all persons found within the city liable to pay such road poll tax, who shall fail to produce a receipt for the payment of a road poll tax for the current year, and shall demand the amount due for each person named upon the list. If the person, on demand, refuses to pay said tax, it shall be lawful to distrain upon his personal property, not exempt from execution, and sell the same in the manner provided by law for constable's sales of property on execution; or it shall be lawful for the collector to give the opportunity to such delinquent to work out said tax and costs, by work upon the streets.

SEC. 66. The warrant issued by the clerk for the collection of delinquent road poll taxes, shall be deemed an execution against personal property, and shall have the force and effect thereof, against any property not exempt from execution. If no personal property can be found whereon to levy the said warrant, said delinquent may pay said tax in labor upon the roads or streets within the city by performing three days' labor, which shall be accepted in full discharge of said tax, the penalty and costs of collection. On refusal to work out said poll tax, the collector may then proceed as in the next section specified.

SEC. 67. Any delinquent who has not sufficient personal property exempt from execution, out of which to make said taxes, who shall have refused or neglected to pay said road poll tax upon demand, if he is in the employ of any person, firm, corporation or company, or agent thereof, the collector must demand from the person, firm, corporation, company or agent employing such party, said road poll tax due by such employer; and it shall be lawful for such person, firm, corporation or company, or agent thereof, to retain from the wages of such employe the sum of four dollars for his road poll tax: *Provided always*, That such demand shall not be made upon any employer for such road poll tax, where the said employe has sufficient property not exempt from execution out of which said poll tax can be made.

SEC. 68. On or before the fifteenth day of June, if before that time the city assessment has been filed and the municipal tax levy made by the common council, or if not then as soon thereafter as practicable, the city clerk shall place in the hands of the treasurer a correct transcript from the city assessment, excluding therefrom the road poll tax column, and the names of such persons as are only liable to road poll tax; which transcript shall be called "city tax transcript," and shall contain the municipal, road property and bridge tax levied within the city limits. The clerk shall annex thereto a warrant directing said treasurer to collect said taxes named therein. Said treasurer shall forthwith give public notice by three weekly insertions in the newspaper doing the city printing that said tax transcript is in his hands, that the taxes are payable, and the date at which interest accrues if they remain unpaid.

SEC. 69. The council must provide by ordinance within what time all municipal taxes, whether general or special, may be paid to the treasurer; and all taxes not paid to the treasurer within such time thereafter draw interest at ten per centum per annum until paid.

SEC. 70. The treasurer, after the 31st day of December of each year, shall return such city tax transcript to the city clerk,

distinguishing thereon the taxes paid and those unpaid. The clerk shall thereupon issue and annex thereto a warrant directed to the county treasurer or collector of delinquent county and territorial taxes authorizing the collection of delinquent taxes upon such roll, in the manner provided by law for the collection of delinquent territorial and county taxes, and thereafter all proceedings for the collection of such delinquent taxes shall be as regulated and prescribed in the laws of the territory relating to the collection of delinquent taxes.

SEC. 71. All the penalties and forms prescribed by the general road laws of the territory for the collection of road and bridge taxes not herein modified, may be resorted to in the collection of said road and bridge taxes within the said city, as fully as though the provisions thereof were embodied in any ordinance of said city referring to such taxes.

SEC. 72. All municipal taxes heretofore levied by the city of New Tacoma and remaining unpaid when this charter shall go into effect, shall be collected as provided in said charter, or the ordinances passed levying the same, and when paid shall be applied to the liquidation of the outstanding debt of the late city of New Tacoma. All municipal taxes levied by the late corporation known as Tacoma city, and remaining unpaid when this charter goes into effect, shall be collected as provided by the charter of said Tacoma city, and when collected shall be paid into the school fund of West Tacoma.

CHAPTER XI.

STREET GRADES AND IMPROVEMENTS—ENFORCEMENT OF LIENS THEREFOR.

SEC. 73. Whenever in the judgment of the common council it shall become necessary or expedient to open any street, to establish or alter the grade of any street or alley of the city, or to make any improvements thereof, as authorized by subdivisions five [5] and eight [8] of section forty-one [41] the common council may cause a survey, diagram and estimate of the cost thereof to be made by the city surveyor, and the said survey, diagram and estimate, shall be filed in the office of the city clerk for the inspection of all persons interested therein, and a notice of the filing of such survey, diagram and estimate, shall be published weekly for two successive weeks in the paper doing the city printing. Such notice must specify the street or part thereof to be improved, and the kind of improvements proposed to be made, together with the cost and expense thereof, and that if sufficient remonstrance be not made before the expiration of ten days after date of last publication, said improvement will be made at expense of owners of property fronting upon the proposed improvement.

SEC. 74. If, within ten days from the final publication, the persons owning one-half or more of the property fronting upon said proposed improvement shall file with the city clerk a remonstrance against said improvement, grade or alteration, the same shall not be made at the expense of the owners of property, fronting upon said proposed improvement.

SEC. 75. If no such remonstrance be made and filed as provided in the last section, the owners of lots fronting upon such street or alley, or portion thereof proposed to be improved, shall be deemed to have consented to the making of said improvement, and the council, at its earliest convenience thereafter, and within six months from the publication of such notice, may establish the proposed grade or make the proposed improvement, at the cost and expense of the owners of the lots and parcels of land fronting upon the proposed grade or improvement of such street, highway or alley.

SEC. 76. Upon the completion of any of the improvements of such streets, highways, and alleys, authorized by subdivisions five, seven and eight, section forty-one, which are charges upon the lots and land fronting thereupon, the street commissioner, or other officer designated by the council, may demand from each owner of such lot or lots fronting upon said improvement, the cost and expense of such improvement, or the work and labor actually performed or materials furnished in making such improvement in front of his or her lot; and such cost and expense shall be a charge upon such lot or lots from the time of the commencement of said work until paid. The filing of the statement of claims as hereinafter prescribed, with the city clerk and the county auditor of Pierce county, shall be notice to purchasers and incumbrancers of such charges upon said lots. The street commissioner or other officer, duly authorized by ordinance, at the expiration of the time within which such demands may be made upon such owners of lots, shall make out and verify an exhibit of the respective claims against each lot in tabular form, which shall be headed "City claims under Ordinance,"—[giving title of ordinance] and shall be ruled in separate columns in which shall be designated the number of lot and block, name of owner or reputed owner, date of completion, number of days' labor and value, cost of material furnished, and total expense chargeable upon each lot. Owners of lots if aggrieved shall have time in which to appeal to the council or to the committee on streets, at the expiration of which time the city clerk shall cause to be filed in the county auditor's office a certified transcript of said exhibit under his seal of office. The county auditor shall file said transcript and record it in the book of liens, indexing the owner or reputed owner as lienor and the city as claimant, for which he shall be entitled to charge the fee of twenty-five cents for each name so indexed; which sum shall be added to said claim and upon the enforcement of such lien shall be taxed and collected as costs. The owner of said lot may satisfy said charge at any time by paying the claims and costs with costs of satisfaction to the city treasurer, and the receipt of said officer shall authorize the auditor to enter "satisfied" on the margin of the record. At any time after sixty days from the filing of such statement of claims in the county auditor's office, the common council may direct the city attorney to enforce collections of said claims by suit. In suits to foreclose such lien the city shall be named as plaintiff. The whole or any portion of the parties in any one statement of claims based upon the same ordinance, and for the same improvement, may be joined in one notice or citation to appear and show cause why such charge as exhibited in such statement, should not be decreed as a lien upon the respective lot fronting upon the improvement and said

lot sold to pay the same. Such notice or citation may be served by notice published for three consecutive weeks in the newspaper doing the city printing, and a copy of said newspaper shall be served upon the premises named, if such lot be improved, and anyone reside thereupon, or a copy of said newspaper shall be posted, as soon as first published on such lot or lots, if no one reside thereupon. The notice shall name the court, designate the lot by its number or by certain description, name of owner or reputed owner, amount of claim, and the time of hearing, which shall be not less than twenty days after date of first publication. The filing of the verified statement of claims shall be sufficient complaint. If defendants fail to appear, answer or defend, on proof to the court that the provisions of the charter have been complied with, judgment shall be entered for the city. In such proceedings the verified statement of claims shall be *prima facie* evidence that the work and labor have been done and materials furnished on the particular lot, parcel of land, street, highway or alley. If the court trying the same shall be satisfied that the work has been done, or the material furnished, which according to the true intent and meaning of this charter would be properly chargeable to the owner of the lot or land, through or by which the street, highway or alley improved or repaired may pass, judgment shall be rendered for the value of the work or materials performed or furnished on such lot of land, notwithstanding any informality or defects in the proceedings of the officers of the city. In such actions the city shall be entitled to recover in addition to the amount, interest thereon at ten per cent. per annum, from the time said work was done or materials furnished, and ten per cent. penalty and costs. At any time before sale of property upon execution the owner may release the same from such lien by payment of claim and accrued costs. Claims due to the city of New Tacoma at the time this act shall go into effect, for improvements charged to the owners of property fronting upon the improvement made, shall be enforced in accordance with the provisions of this section. The city attorney shall cause a tabulated statement of such claims as herein prescribed, and file a verified copy of the same with the county auditor of Pierce county. When such statement is filed, it shall have like effect as to lien, and be enforced in the same manner and with like penalties as in this section provided.

SEC. 77. All money paid or collected upon charges for the improvement of streets or alleys shall be kept as a separate fund and in no wise used for any other purpose whatever; all charges and claims by the city for improvements chargeable to lots or lands from the time of being filed as notice of liens shall bear interest at the legal rate until paid.

SEC. 78. Whenever any lot or part thereof shall be sold for more than the sum chargeable thereon, including costs of sale, the surplus must be paid to the city treasurer, and the person executing the warrant must take a separate receipt therefor and file it with the city clerk, and thereafter the owner or his legal representative shall, on application to the city council, be entitled to a warrant therefor.

SEC. 79. The deed to the purchaser must express the true consid-

eration therefor, and the return of the person executing the warrant must specify the amount for which the lot was sold and the name of the purchaser.

CHAPTER XII.

APPROPRIATION OF PRIVATE PROPERTY.

SEC. 80. When the grade of any street, highway or alley shall have been established by authority of the city, and any person or persons shall have built or made improvements on such street, highway or alley, and the city shall afterward change the established grade or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage; and when the parties interested are unable to agree with the city council as to the amount so to be paid, the same shall be appraised by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property, and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties according to the best of their ability; they shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment; they shall assess the damage sustained over and above the additional value of the property, by reason of the change or improvement; they shall sign their report and deliver the same to the clerk of the district court, holding terms at the county seat of Pierce county, and if no objection is made thereto, in the manner hereinafter prescribed; within twenty days thereafter, the assessment shall be final and the city shall pay the amount so assessed, and the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk of said district court shall, upon filing a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term; the party claiming damages shall be the plaintiff, and the city shall be the defendant; the usual pleadings in a civil action may be filed or such special pleadings as the court shall allow, and the issue thus formed shall be tried as other civil actions; the costs to be taxed against the city when the judgment is for a larger amount than was awarded by the appraisers, or the cause has been tried at the instance of the city for the purpose of reducing the amount of damages and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

SEC. 81. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, the appraisement of damages to be paid to owners of the property condemned shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners

of property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment, after ten days' notice to do so, which notice shall be given in the manner to be prescribed in the ordinance, providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn, and shall report within the time and in the manner prescribed for appraisement in the preceding section; this award shall be final unless appeal is made within twenty days from the time of the return thereof to the district court. Any person aggrieved by the award, may, upon filing a preceipe therefor, have the case docketed for trial at the next term of court; when the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair charges upon property, the city shall be plaintiff and the owner of the property defendant; the issue shall be made up, the case tried and determined, and costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city, and all costs of the appraisements and other proceedings under this section, shall be added to the gross amount to be collected from the several property holders, in the same proportion as said gross amount, and said judgment and costs shall be a lien upon the property therewith charged.

SEC. 82. In all cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owner of such property; and when such owners and the city council are unable to agree as to the amount of such compensation, the same shall be determined in the manner provided by the general laws of this territory, relating to the mode of proceeding to appropriate land by private corporations.

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

SEC. 83. The city is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, and made in writing, and by order of the council, signed by the clerk or some other person in behalf of the city thereunto duly authorized, but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 84. The city shall not be liable to any one for any loss or injury to person or property, growing out of any casualty or accident happening to such person or property on account of the condition of any street or public grounds therein. But this section does not exonerate any officer of the city, or any person from such liability, when such casualty or accident is caused by the wilful neglect of a duty enjoined upon such officer or person by law, or by gross negligence or wilful misconduct of such officer or person in any respect.

SEC. 85. The city may regulate and provide as to the manner in which all additions to the city shall be subdivided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof, and where filed, and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries; and may cause an official map of said city to be made and kept for public inspection, which plat certified by the city surveyor, shall be *prima facie* evidence that the lines as they appear are correct; and all surveys made by the city surveyor at the instance and expense of the city, or private parties, shall be official surveys, and a minute thereof shall be kept by the city surveyor as a part of his official records, and shall be *prima facie* evidence of their own correctness; and the city has power to enforce this ordinance and to prevent the sale of any real property not subdivided as aforesaid, and plat made and filed as herein provided, and to compel the establishment and maintenance of such monuments, and to fine or imprison, or both, for a violation thereof; and when the boundary or existence of any public street, alley, easement or square is in doubt and the land claimed by a private party, the city may file a bill in equity to determine the right thereto.

SEC. 86. The fiscal year of the city shall commence on the first day of July, and end on the last day of June of each year.

SEC. 87. In any action, suit or proceedings in any court, concerning a charge or lien upon property or levy of taxes authorized by this act, or the collection of any such tax, or proceedings thereon, such charge, levy, consequent proceedings and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reviewed or called in question elsewhere.

SEC. 88. The mayor and councilmen shall not receive any compensation for their official services.

SEC. 89. No street, highway or alley shall be extended, widened, or vacated, except on petition to the city council, signed by a majority of the resident owners of real estate within the block or blocks in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated. Said petition shall set forth the particular circumstances and the reasons for granting the same, and contain a certain description of the extension, widening, altering or vacation applied for. The petition shall be filed by the city clerk at least twenty days previous to the meeting of the council, at which said petition shall be heard and determined, and notice of the filing and time fixed for hearing by council of said petition embodying briefly an intelligent statement of the matters therein contained, shall be given for the same space of time by written or printed notices posted in three of the most public places in the city, and three weekly insertions in the newspaper doing the city printing. The cost and expense of extension, widening

or alteration of streets or alleys, and the charges against the respective lots fronting upon or including the improvement or alteration made, shall be regulated by the provisions of this charter applicable to other improvements of streets, and collection shall be enforced in the same manner. If any street or alley be vacated, the land so vacated shall be attached to the lots or ground bordering on such street, or alley, and all right or title thereto shall vest in the person or persons owning the property on each side thereof in equal proportions. Where such vacation is of part of a street only, or where lots border upon one side of such street only, such vacated land shall vest in the owner or owners of such lots, bordering upon the vacated portion. All vacations or alterations of streets, highways or alleys, changes of town plats, blocks or lots or any part thereof, and the disposal of the land vacated, heretofore made by the said corporations of Tacoma City and New Tacoma, or either of them are hereby confirmed, legalized and declared valid.

SEC. 90. No member of the common council must be interested, directly or indirectly, in any property purchased for the use of the city, nor in any purchase or sale of property belonging to the city, nor in any contract made by the mayor or other person on behalf of the city for the erection of city buildings, the opening or improvement of streets, highways or alleys, the building of bridges or for any other purpose. Nor shall any member of this council vote for any ordinance or other measure, in which he has a personal or pecuniary interest.

SEC. 91. The common council, under such regulations as they may adopt, must encourage the planting and preservation of shade and ornamental trees on such streets and highways as they may designate, and on and about the city parks, public grounds and buildings of the city; and may pay to persons planting and cultivating the same, for every living tree thus planted, at the age of four years, such sum or compensation as may be deemed just and proper.

CHAPTER XIV.

CONSOLIDATION OF TACOMA AND NEW TACOMA.

SEC. 92. To complete the consolidation of said two cities and to provide an organization of the city government of Tacoma, established by this act, a special election shall be held on the second Monday in December, 1883, for mayor, city marshal and three councilmen for each ward, as designated in this act. The qualifications for electors of the first ward at such special election shall be as prescribed in the city charter of Tacoma city; and for electors of the second ward, as prescribed in the city charter of New Tacoma. The polls shall be opened at 10 o'clock in the forenoon, and continue open without being closed until 7 o'clock in the afternoon. The board of trustees of Tacoma shall designate the place of voting in the first ward, and appoint the officers to conduct such special election. The common council of New Tacoma shall designate the place of voting in the second and third wards and appoint the officers to conduct such special election. Except as herein

modified said election shall be conducted in the respective wards in the manner prescribed by the respective city charters aforesaid. The returns shall be made to the city clerk of New Tacoma. Upon the tenth day after said special election the board of trustees of Tacoma and the common council of New Tacoma shall meet in joint meeting at the office of the city clerk of New Tacoma, five of their number being a quorum, to act as a board of canvassers. Having elected one of their number chairman, they shall proceed to canvass the vote and make a statement of the same which shall be signed by the chairman and attested by the city clerk of New Tacoma, who shall act as clerk of said canvassing board. Certificates of election, if demanded, shall be signed by said chairman and attested by said clerk. The mayor, marshal and councilmen so elected shall qualify on or before the first Monday in January, 1884. At which time they shall enter upon the discharge of their duties in the manner herein before described. The said officers so elected shall continue in office until the annual municipal election in May, 1884, or until their successors elected at such election shall duly qualify.

SEC. 93. For the purpose of providing a fund to pay and satisfy the outstanding warrants of indebtedness issued by the city of New Tacoma, and to extinguish its indebtedness, and to exempt the taxable property and taxable inhabitants within the city of Tacoma as the same existed before the passage of this act from any liability for or on account of such outstanding warrants and indebtedness of said city of New Tacoma, the common council of the city of Tacoma, incorporated by this act, shall, at their second regular meeting in January, 1884, or as soon thereafter as practicable, proceed to levy a special tax of not to exceed ten mills, upon all the taxable property as shown by the city assessment of New Tacoma for 1883, within the corporate limits of said city of New Tacoma, as defined by the act approved November 5th, 1881, entitled "An act to confer a city government upon New Tacoma." The said council shall fix the time when such tax shall be demandable, after which it shall draw interest as other municipal taxes do under this charter. But this levy of special tax shall not be construed as preventing the levy of any special tax under the provisions of this charter for said year 1884. Said special tax, when collected, shall be applied to the payment of the New Tacoma city warrants, and to the extinguishment of any indebtedness outstanding against said city, upon the said first Monday of January, 1884. And any surplus which shall remain of said special tax after the payment of all such indebtedness and warrants, shall be placed to the credit of the school fund of East Tacoma school district.

SEC. 94. To enable the two cities herein and hereby consolidated to close their business, the city government of Tacoma established by this act, shall not go into operation until the first Monday in January, 1884, upon which date the mayor, or councilmen and marshal elected at the special election, in pursuance of section ninety-two (92) of this act, shall qualify and enter upon the duties of their respective offices. The said common council at their said meeting, on the first Monday in January, 1884, shall perfect the organization of the city government by the election of other city officers as required by this act, who shall duly qualify as herein prescribed. Such city officers so elected by the council

shall hold their respective offices until their successors are elected and qualified. The said city of Tacoma, incorporated November 12th, 1875, and the said city of New Tacoma incorporated November 5th, 1881, shall continue to act under their respective city charters until said first Monday in January, 1884, when both of said charters and said city governments thereunder shall cease and determine, and they shall be thereafter consolidated under the city government herein and hereby established. From and after said first day of January, 1884, the act entitled "An act to incorporate the city of Tacoma," approved November 12, 1875, and the act entitled "An act to confer a city government upon New Tacoma," approved November 5th, 1881, shall be and are hereby repealed. But all ordinances passed, and acts lawfully done and performed by either of said city corporations, or the officers thereof pursuant to said charters or any ordinance of said city, and any and all ordinances of either of said cities in force or unrepealed upon the said first day of January, 1884, and not inconsistent with this act, or the laws of Washington Territory, shall be and remain in full force with like effect as though the same had been passed by the city of Tacoma, established herein, until repealed or rescinded. All warrants or certificates of indebtedness, all appropriations of money to certain specific funds, all taxes remaining unpaid, all claims, dues or demands in favor of, or due to either of said municipal corporations, all franchises, all contracts and liabilities lawfully made or incurred by said corporations, or either of them, all rights of every nature or kind vested, contingent, created or recognized by said charters, or the ordinances, resolutions, or acts of said cities, or either of them, shall not by this consolidation, or superseding of said two city charters by this act, be lost, impaired or discharged; but shall be continued. And any and all acts lawfully performed by either of said corporations under their respective charters, by virtue thereof, are hereby ratified and legalized.

SEC. 95. This act shall take effect and be in force from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

TO CONFER A CITY GOVERNMENT UPON CHENEY.

CHAPTER I.

OF THE BOUNDARIES AND INCORPORATION OF THE CITY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the inhabitants of Cheney, Spokane county, Washington Territory, and their successors within the limits hereinafter prescribed, are hereby constituted and declared to be a city corporation by the name and style of Cheney and by such name shall

have perpetual succession, sue and be sued, plead and be impleaded in all courts of justice, and in all actions, suits, or proceedings whatever, and may purchase, condemn, hold, and receive property both real and personal within said city for public buildings, public works and city improvements; and may lease, sell, or otherwise dispose of the same for the benefit of the city; and may purchase, hold, and receive property both real and personal beyond the limits of the city, to be used for any of the following: For a city park, or parks, or for burial purposes or for the establishment and maintenance of a hospital, for the reception and treatment of persons afflicted with contagious or other diseases; or for work houses and for houses of correction; for the erection of water-works to supply the city with water, and may control, lease, sell or dispose of the same for the benefit of the city, and they shall have and use a common seal; and they may alter or break the same and make a new one at pleasure.

SEC. 2. The corporate limits of Cheney shall be as follows: Beginning at the southeast corner of section numbered thirteen [13] in township numbered twenty-three [23] north, of range numbered forty-one [41] E., W. M., running thence north to the northeast corner of the southeast quarter of section numbered twelve in said township and range one and one-half miles; thence west one mile to the northwest corner of the southwest quarter of said section twelve; thence south one mile to the northwest corner of the southwest quarter of said section thirteen; thence west one quarter of one mile; thence south one-half mile to the section line between sections fourteen and twenty-three of said township and range; thence east on said section line one and one quarter miles to the place of beginning, comprising all of said section numbered thirteen, the south half of said section twelve, and the east half of the southeast quarter of said section fourteen, all in Spokane county and Territory of Washington.

SEC. 3. The corporate limits aforesaid shall not be so construed as to include any road district, nor shall the county commissioners of the county within which said city is embraced have any authority or control over road taxes collected therein; and all funds arising from any road tax within said limits shall accrue to the said city. So much of any public highways as lie within said corporate limits shall be kept in repair by the said city. But by ordinance any highway or part thereof may be vacated, and the same be made to conform to opened and established streets.

CHAPTER II.

SEC. 1. The power and authority given to the said municipal corporation by this act shall be vested in a mayor and common council, together with such other officers as are in this act constituted, or may be created under its authority.

SEC. 6. The common council shall consist of five persons, who shall be elected in the manner hereinafter provided.

SEC. 3. There shall also be other officers of said municipal corporation, viz: A committing magistrate, a marshal, a clerk, an attorney, a treasurer, a street commissioner and an assessor and collector, each of whom and excepting the marshal and assessor and collector shall be appointed by the common council, at the time and in the manner hereinafter provided. The marshal and assessor and collector shall be elected in the manner hereinafter provided.

SEC. 4. No person is eligible to any office in said municipal corporation who, at the time of his election or appointment, is not an elector according to the laws of Washington Territory, and who has not resided in the city for six months next immediately preceding said election or appointment.

CHAPTER III.

OF ELECTIONS AND APPOINTMENTS.

SECTION 1. The annual municipal election of officers required to be elected under this act shall be held on the first Monday of June of each and every year.

SEC. 2. No person is entitled to vote at any municipal election, either annual or special, who is not a qualified elector in Washington Territory and who shall not have resided in said city for six months next preceding the day of election.

SEC. 3. At all elections for city officers the vote shall be by ballot, at the place designated by the common council.

SEC. 4. The city clerk, under the direction of the council, shall give ten days' notice, by posting the same in at least two public places in the city, and by publication in some newspaper published in said city, of such municipal election, the officers to be elected, and the place designated for holding the election.

SEC. 5. All elections shall commence at ten o'clock A. M., and continue until five o'clock P. M. of the same day, without closing the polls. If any judge of election fails to attend at the proper time, the voters of the city then present may elect another in his place, and if any clerk of election fails to attend at the proper time the judges of election may appoint another in his place.

SEC. 6. Judges and clerks of election must possess the qualifications of voters. A failure to give the notice required by section 4, shall not invalidate any election otherwise legal.

SEC. 7. On the first regular meeting of the council, next after such elections, the returns thereof shall be canvassed by the city council and the written statement of such canvass shall be made by the clerk and signed by the presiding officer of the council and attested by, and immediately filed with the clerk. Such written statement of the canvass shall contain the whole number of votes given for any person for any office, and the names of persons elected and to what office. The person given the highest number of votes for any office for which an election is authorized herein, shall be declared elected to such office.

SEC. 8. After such statement of the canvass is filed, the clerk shall make and sign, within two days thereafter, a certificate of election, for each person declared thereby to be elected, and deliver the same to the person so elected.

SEC. 9. A certificate is *prima facie* evidence of the facts therein stated, but the council is the final judge of the qualifications and election of the mayor, and its own members. A contested election for any other office must be determined according to the laws of the territory regulating proceedings in contested elections for county officers.

SEC. 10. The term of office of any person elected to office under this act, shall commence on the tenth day after the canvass of the election returns by the council, and terminate accordingly if his successor be then elected and qualified.

SEC. 11. Any person elected to any office as aforesaid must qualify on or before the tenth day after the canvass of the vote as aforesaid. The qualifications of officers aforesaid shall be by taking the oath of office hereinafter prescribed, and giving such official bond for the faithful performance of his duties as may be required, and filing the same with the clerk, who shall file his bond and oath of office with the mayor, who shall be the custodian thereof.

SEC. 12. All officers elected under this act, before entering upon the duties of their office, must take and file a copy in the manner hereinbefore provided, an oath of office to the following effect:

"I, A B, do solemnly swear (or affirm) that I will support the constitution of the United States, the organic act of this territory, and that I will, to the best of my ability, faithfully perform the duties of the office of—, during my continuance therein; so help me God." If the person affirms, instead of the last clause there must be added, "and this I promise under the pains and penalties of perjury."

SEC. 13. All laws of this territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

SEC. 14. An office becomes vacant upon the death or resignation of the incumbent. The office of mayor, clerk, treasurer, assessor and collector shall be deemed vacant whenever the incumbent thereof shall be absent, without leave of council, from the city for a period of sixty days. The office of marshal and committing magistrate shall be deemed vacant whenever the incumbent shall be absent from the city, without leave of the council, for the period of twenty days. The office of the councilman shall be deemed vacant whenever an incumbent shall fail to attend six regular consecutive meetings of the council, unless absent upon leave of the council first obtained, or when he shall remove from or cease to be a resident of the ward for which elected.

SEC. 15. A vacancy in any office or any office filled by a person holding over after his regular term of office have expired, shall be filled by the council at regular meeting. The common council shall fill any vacancy existing at the time of the approval of this act.

SEC. 16. An officer appointed to fill a vacancy must, within five days after being notified of appointment by the clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office be considered vacant.

CHAPTER IV.

SECTION 1. The city council shall possess all the legislative powers granted by this act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer.

SEC. 2. The council must provide for the time and place of its regular meetings, at any of which it may adjourn to the next regular meeting, or to some time prior thereto, and it may be convened by the mayor at any time upon a day's notice given to each of the members within convenient reach.

SEC. 3. A majority of the members of the council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 4. The council may adopt rules for the government of the conduct of its members and its proceedings. It must cause a journal of its proceedings to be kept and on the call of any one of its members must cause the yeas and nays to be taken, and entered in its journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 5. The council may punish any person for disorderly or improper conduct at any meeting, or any member for refusing or neglecting to attend any regular meeting, without sufficient excuse therefor, and may, by a two-thirds vote, expel a member.

SEC. 6. The mayor is ex-officio president of the council, and presides over its deliberations when in session. He is not entitled to vote, except in cases of a tie, when he may give the casting vote; he shall preserve order, enforce the rules of the council, and determine the order of business, subject to such rules and to an appeal to the council. If the mayor should be absent at any meeting of the council, the council must appoint one of their own number president, to serve during the meeting, or until the mayor attends.

SEC. 7. On the tenth day next following the annual municipal election, there must be a regular meeting of the council, and such meeting is appointed by this act, and no notice thereof, or call therefor, is necessary.

SEC. 8. A majority of the whole number constituting the council as then provided by law, is a majority of the council or members thereof, within the meaning of this act. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter, other than the final passage of an ordinance.

SEC. 9. The style of every ordinance shall be, "The city of Cheney does ordain as follows."

CHAPTER V.

SEC. 1. The city government of Cheney within its incorporated limits has power and authority—

1. To assess, levy and collect taxes for general municipal purposes, not to exceed one-half of one per centum per annum upon all property, both real and personal within the city which is by law taxable for territorial and county purposes.

2. To make regulations for prevention of accidents by fire; to organize and establish a fire department; to provide fire engines and other apparatus and a sufficient supply of water.

3. To purchase or condemn, and enter upon and take any lands within or without the corporate limits for public squares, streets, parks, commons, cemeteries, hospital grounds, or to be used for work houses or houses of correction, or any other proper and legitimate municipal purpose, and to inclose, ornament and improve the same, and to erect necessary public buildings thereon. The city shall have entire control of all such buildings and all lands purchased or condemned under the provisions of this sub-division, and all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may hereafter be dedicated to public use by any person or persons, and has power, in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city or the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

4. To provide for the lighting of the streets and furnishing the city with gas or lights, and for the erection or construction of such works as may be necessary or convenient therefor.

5. To provide for cleaning, opening, graveling, improving and repairing of streets and highways and alleys, and for the prevention and removal of all obstructions therefrom, or from any crossing or sidewalk; also to regulate cellar ways, and cellar-lights on sidewalks within the city, and to provide for cleaning the streets, also for constructing sewers and cleaning and repairing the same.

6. To construct and repair sidewalks, and to curb, pave, grade, macadamize and gutter any streets, highways or alley therein, at the cost and the expense of the owners of the lots and parcels of land fronting on such street, highway or alley. But unless the owners of more than one half of the property fronting upon the proposed improvements upon such street, highway or alley, shall have petitioned the council to make the same, such improvement shall not be made.

7. To cause any lot of land within its limits, on which water at any time becomes stagnant, to be drained or filled up; and to cause any vault within the city to be cleaned when necessary; and in case of failure or refusal of the owner of any such property to comply with the requirements of any ordinance or resolution of the city council, with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done by the city at the expense of, the owner, and the amount collected by action, in the name of the city, in any court having jurisdiction.

8. To prescribe by an ordinance the mode by which the charge on the respective owners of lots or lands shall be determined for the purposes authorized by this act. Such charges may be collected by civil action in the name of the city. In such proceedings it shall be sufficient to declare generally for work and labor done and materials furnished on the particular lot, parcel of land, street, highway or alley. If the court trying the same shall be satisfied that the work has been done, or the materials furnished, which, according to the true intent and meaning of this act, would be properly chargeable to the owner of the lot of land, through, or by which, the street, highway or alley improved or repaired may pass, judgment shall be rendered for the value of the work or materials performed or furnished on such lot of land, notwithstanding any informality or defect in the proceedings of the officers of this city. In such actions the city shall be entitled to recover in addition to the amount, interest thereon at ten per cent. per annum, from the time said work was done or materials furnished, together with five per cent. per annum, to defray the expenses of collection, which shall be included in the judgment rendered.

9. To provide for the survey of the blocks and the streets of the city, for making and establishing the boundary lines of such blocks and streets and to establish the grades of all streets within the city, and to lay off, widen, straighten, change, extend, vacate and establish streets, highways, and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and to authorize or forbid the location and laying down of tracks for railways and street railways on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to property abutting upon the street, alley, or public place, upon which the track is proposed to be located and laid down, has been ascertained and compensated.

10. To erect and maintain water-works within or without the city or to authorize the erection of the same for the purpose of furnishing the city with a sufficient supply of water; but no such works shall be erected by the city, until a majority of the voters of the city, at a general or special election, assent thereto.

11. To make regulations to prevent the introduction of contagious diseases into the city; to remove persons affected with such, or other diseases therefrom, to suitable hospitals provided by the city for that purpose, to provide for the restraint and employment of vagrants, to restrain and punish any disturbance, or any unlawful or indecent practice, and to define what shall constitute the same.

12. To prevent domestic and other animals from running at large,

and license, tax, regulate and restrain the keeping of dogs within the city limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceedings, or may authorize their destruction.

13. To regulate, license and tax all carts, wagons, drays, coaches, omnibuses and every description of carriage which may be kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions and public amusements; and to license and tax and regulate auctioneers, hawkers, peddlers, brokers, pawnbrokers and all such callings, trades and employments as the public good may require to be licensed and regulated, as are not prohibited by law.

14. To establish and maintain a day and night police, or either of them, and to provide for the erection or appointment of such number of police officers as may be necessary, which officers shall have full power and authority to make arrests with or without warrants, within the city limits; to summon aid, and to exercise all other powers necessary and requisite for the prevention of disorder or apprehension of offenders.

15. To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to suppress and restrain disorderly houses, houses of ill-fame or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling; to regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine or other explosives, and to provide or license magazines for the same, and to prevent, by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise; to prevent and punish fast or immoderate driving of horses through the streets; to regulate the speed of trains and locomotives on railways over the streets or through the limits of the city; to prevent any riots, noise, disturbance or disorderly assemblages, and to protect the property of the corporation and its inhabitants, and to preserve peace and order therein; to regulate and prohibit the use of guns, pistols and fire-arms, fire crackers, bombs and detonating works of all descriptions; to restrain and punish intoxication, fighting and quarreling on the streets; to control and regulate slaughter-houses, wash-houses and public laundries, and to provide for their exclusion from the city, or from any part thereof; to regulate and prohibit the driving of loose stock through the streets; to compel all persons erecting or maintaining privies or cesspools within one hundred feet of any street in which a sewer has been or may hereafter be constructed, to connect the same therewith; to regulate the opening of street surfaces, the laying of gas and water mains, the building and repairing of sewers and the erection of gas lights; to regulate and prevent public criers and advertising noises, steam whistles, the ringing of bells in the streets, and to control and limit traffic on the streets, avenues and public places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, telegraph posts, awning posts and other purposes; to regulate and prohibit the exhibition and hanging of banners and placards or flags in or across the streets, or from houses or other buildings; to prohibit the exhibition of deformed or crippled

persons, and to prohibit professional begging; to regulate the numbering of houses and lots on the streets and avenues, and the naming of streets and avenues; to provide for cleaning and sprinkling of the streets, and to punish those who shall refuse so to do; to prohibit persons from roaming the streets at unreasonable hours.

16. To license, tax, regulate and restrain bar-rooms, drinking-shops, or saloons, tippling houses, billiard tables, pool tables, pigeon hole, Jenny Lind and other gaming tables kept for hire, and bowling alleys: *Provided*, That no law or part thereof authorizing any tribunal or officer of Spokane county to grant licence for any of the privileges enumerated in this subdivision shall apply to persons within the city limits of Cheney, and all such license paid to the city shall be at the same rate and in lieu of the license required by the general law of the Territory for such houses, business, or privilege: *And provided further*, That no license shall be granted except upon the following conditions, viz: The person wishing to apply for license to sell spirituous or malt liquors shall accompany his petition with a bond to the said city, in the sum of one thousand dollars; with two or more sureties, to be approved by the common council, conditioned that he will keep an orderly house and comply with all the requirements of this act and of the ordinances of said city and the laws of the Territory. No license shall be granted for less than six months nor more than one year; nor shall any license to sell spirituous or malt liquors be granted to any minor under the age of twenty-one years; nor to any person who shall permit women or girls, other than members of his family, to frequent his place of business either as customers, servants, waiters, waitresses, dancers, singers, actors or musicians or for purpose of attracting custom: *Provided further*, Nor shall any person sell spirituous or malt liquors to any minor, nor shall such person holding such license, allow or permit his place of business to be frequented or visited by women or girls other than members of his family; and upon doing of any of the things herein prohibited such license may be by the common council revoked: *And, provided*, That the revocation of the license shall not in any manner relieve the person to whom the same was granted from any penalty prescribed by ordinance for violation of this act, or any statute of Washington Territory: *And provided*, That one-third of the liquor or beer licence shall be paid by the city treasurer on receipt thereof to the county treasurer of Spokane county for the general county fund.

17. To suppress and prohibit the keeping of places, houses or rooms where either males or females, adults or minors are permitted to indulge in the habit of smoking opium, and to provide by an ordinance for the summary closing of such places, houses or rooms.

18. To regulate the burial of the dead, and to prevent any interments within the limits of the city, and to cause any body interred contrary to such prohibition to be taken up and buried without the limits of the city.

19. To establish and regulate markets; to provide for the measuring or weighing of hay, coal or any other article of sale.

20. To levy and collect a special tax not to exceed one per centum in any one year, upon all the property assessed by authority of subdivision

one of this section, for any purpose within the authority of the corporation, including the payment of any existing debt; but the ordinance providing therefor must specify the object thereof and the estimated amount thereof, and the indebtedness of the city must never exceed in the aggregate the sum of five thousand dollars, and any debt or liability incurred in excess of said sum of five thousand dollars shall be invalid and void.

21. To adopt proper ordinances for carrying into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the city by a fine, not exceeding one hundred dollars or imprisonment for not more than thirty days or both; or by a forfeiture or penalty not exceeding one hundred dollars, and for working any person sentenced to such imprisonment or committed in default of payment of any such fine and the costs of prosecution, upon the streets or public squares during the term thereof, a day's labor being accepted as an equivalent for two dollars in payment of such fine and costs.

22. To establish and regulate the fees and compensation of all its officers, except when otherwise provided; and such other powers and privileges not herein specifically enumerated as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States, or of this territory, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof.

CHAPTER VI.

SECTION 1. The mayor is the executive of the corporation. It is his duty, annually, at the first regular meeting in June, to communicate by message to the common council, a general statement of the condition and affairs of the corporation, and recommend the adoption of such measures as he may deem expedient and proper, and to make special communications to the council from time to time as he may think proper and useful.

SEC. 2. The mayor shall take and approve all official bonds, which the ordinances of this city may require any officer to give as a security for the faithful performance of his duty, or any bond which may be required of any contractor, and when he approves such bonds he must immediately file the same with the clerk, except as hereinbefore provided.

SEC. 3. He shall perform such other duties, and exercise such other authority, as may be prescribed by this act, any city ordinance, or any law of the United States or of this territory.

SEC. 4. Any ordinance which shall have passed the council, shall, before it becomes a law, be presented to the mayor for his approval, if he approves he shall sign it; if not, he shall, within ten days, return it with his objections in writing to the council, who shall cause the said objections to be entered on their journal, and shall proceed to reconsider the said ordinance. If, after such reconsideration, four members of the council vote therefor, it shall nevertheless become a law.

SEC. 5. During any temporary absence of the mayor, from the city, or if he be unable for any reason to act, the council shall elect one of their own members, who shall be the acting mayor, and perform all the duties of said office, during such temporary absence or inability, except as is otherwise provided in this act.

CHAPTER VII.

THE POWERS AND DUTIES OF OTHER OFFICERS OF THE CORPORATION.

SECTION 1. The city attorney shall represent the city in all suits, or proceedings, in which the city is legally interested, and give his advice and opinion in writing, concerning any matter in which the city is interested, when required by the mayor or council.

SEC. 2. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings and to file and keep all papers and books of the city council. The clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 3. All demands and accounts against the city must be presented to the clerk with the necessary evidence in support thereof, and he must submit the same to the council, who shall by a vote direct whether the same shall be paid or any part thereof.

SEC. 4. When the council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor and attested by the clerk.

SEC. 5. The clerk must keep proper books of account showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance or proper and necessary to a correct understanding of the city finances.

SEC. 6. The treasurer is receiver of taxes, and must receive and keep all moneys that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor attested by the clerk.

SEC. 7. The treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.

SEC. 8. The treasurer must make a report of the receipts and expenditures to the common council at the first regular meeting in the months of December and June of each year, which report shall be published in any newspaper published in the city.

SEC. 9. The assessor must annually make a correct list of all the property subject to taxation by the city, with the valuation thereof, and certify and return the same to the clerk.

SEC. 10. A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the council to have such assessment revised, and if the council deem the same erroneous they must correct it; the party applying for such correction may be examined as a witness in relation to the matter, if he desires it or the council require it.

SEC. 11. The assessment of property must be made in the manner prescribed by law for assessing property for territorial and county taxes; but the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment, and return thereof, and of applying to the council for a revision thereof must be prescribed by ordinance.

SEC. 12. The collector shall collect all delinquent taxes and assessments when required by warrant, and pay the same to the treasurer monthly.

SEC. 13. The marshal is a peace officer and must execute all process issued by the committing magistrate of the city, or directed to him by any magistrate of the territory. He must attend regularly upon the courts of said committing magistrate and the meetings of the council. He has power by and with the approval of the council to appoint one or more deputies, who shall possess the same power. He shall make arrests for breach of the peace, or for commission of a crime or misdemeanor within the city limits with or without a warrant, as a peace officer may do under the laws of the territory. He shall exercise a vigilant control over the peace and quiet of the city, and is keeper of the city jail or house of correction, unless otherwise provided by ordinance.

SEC. 14. The marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report, in writing, each month to the city council, or whensoever demanded by said council.

SEC. 15. The committing magistrate of the city shall, before exercising any of the functions of his office, give such a bond to the city in such sum and conditions as the council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by the authority of this act, and he must pay to the treasurer monthly all city moneys and fines by him collected, and take duplicate receipts therefor, one of which he must file with the clerk.

SEC. 16. The powers and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 17. The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 18. The official books and papers of any officer mentioned in this act may be inspected at any time by a committee of the council appointed for that purpose.

CHAPTER VIII.

ORDINANCES.

SECTION 1. All ordinances and resolutions, or orders for the appropriation or payment of money shall require, for their passage and adoption, the concurrence of a majority of all the members of the council. No ordinance shall refer to more than one subject, which shall be clearly expressed in its title; and no ordinance or section thereof shall be revised or amended, unless the new ordinance contains the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

SEC. 2. All ordinances, after their approval, shall be forthwith recorded in a book kept for that purpose, which record shall be authenticated by the signature of the presiding officer and the clerk; all those of a general and permanent nature, and those imposing fines, penalty or forfeiture, shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made; all such ordinances shall take effect and be in force at the expiration of five days after they have been published.

CHAPTER IX.

OF THE COLLECTION OF DELINQUENT TAXES.

SECTION 1. The assessor shall, when directed by the common council, make out a list of all persons within the city, liable to pay a road tax, and return such list to the council; said list of names shall be given to the collector, and he shall at once proceed to collect such road poll tax, together with the municipal tax levied for the year, from each person upon said list. The collector shall place upon his list the names of all persons found within the city, liable to pay such road poll tax, who shall fail to produce a receipt for the payment of a road poll tax for the current year, and shall demand the amount due from each person named upon the list. All penalties and fines prescribed by the laws of the territory for the enforcement and collection of road taxes, shall apply to the collection of such taxes within said city limits.

SEC. 2. Whenever any general or special tax has been levied as provided and authorized by this act every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected.

SEC. 3. The council must provide by ordinance within what time all municipal taxes, whether general or special, may be paid to the treasurer; and all taxes not paid to the treasurer within such time, are thereafter delinquent taxes, and the treasurer must return the tax roll to the council, distinguishing thereon the taxes paid and those remaining unpaid.

SEC. 4. The council must thereafter order the clerk to deliver the tax roll to the collector, and issue and annex thereto a warrant, directed to the county treasurer or collector of delinquent county and territorial taxes, authorizing the collection of the delinquent taxes upon such roll, in the manner provided by law for the collection of delinquent territorial and county taxes, and thereafter all proceedings for the collection of such delinquent taxes shall be as regulated and prescribed in the laws of the territory relating to the collection of delinquent taxes.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, and made in writing, and by order of the council, signed by the clerk or some other person in behalf of the city thereunto duly authorized, but an ordinance may authorize any officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars.

SEC. 2. No money shall be drawn from the city treasury but in pursuance of an appropriation for that purpose, made by ordinance; and an ordinance, making an appropriation of money, must not contain a provision upon any other subject and if it does such ordinance as to such provisions shall be void.

SEC. 3. A member of the council, for words uttered in debate therein, shall not be questioned in any other place.

SEC. 4. The fiscal year of the city shall commence on the first day of July, and end on the last day of June of each year.

SEC. 5. In any action, suit or proceedings in any court, concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceedings thereon, such assessment, levy, consequent proceedings and all proceedings connected therewith, shall be presumed to be regular and duly done or taken until the contrary is shown; and when any proceeding, matter or thing is, by this act, committed or left to the discretion of the council, such discretion or judgment, when exercised or declared, is final and can not be reversed or called in question elsewhere.

SEC. 6. The mayor and councilmen shall not receive any compensation for their official services.

SEC. 7. No street, highway or alley shall be extended, widened, altered or vacated, except on petition to the city council, signed by a majority of the resident owners of the real estate within the block or blocks in or through which such street, highway or alley is proposed to be extended, widened, altered or vacated.

SEC. 8. When the grade of any street, highway or alley shall have been established by authority of the city, and any person or persons shall have built or made improvements on such street, high-

way or alley, and the city shall afterward change the established grade or shall change the boundary lines of any block, street, highway or alley in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damage; and when the parties interested are unable to agree with the city council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appraised by the mayor, one by the owner or owners of the property, and one by the two so appointed, or in case of their disagreement, by the city council; said appraisers shall be sworn to faithfully execute their duties according to the best of their ability; they shall view the premises and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment; they shall assess the damage sustained over and above the additional value of the property, by reason of the change or improvement; they shall sign their report and deliver the same to the clerk of the district court, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final and the city shall pay the amount so assessed, and the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the clerk of said district court shall, upon filing a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term; the party claiming damages shall be the plaintiff, and the city shall be the defendant; the usual pleadings in a civil action may be filed or such special pleadings as the court shall allow, and the issue thus formed shall be tried as other civil actions; the costs to be taxed against the city, when the judgment is for a larger amount than was awarded by the appraisers, or the cause has been tried at the instance of the city for the purpose of reducing the amount of damages and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

SEC. 9. When private property shall have been condemned, and the compensation to be paid therefor shall be made a charge upon the property benefited thereby, the appraisement of damages to be paid to the owners of the property condemned shall be made by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property condemned or damaged, or if either or both said classes of property owners fail or refuse to make such appointment, after ten days' notice so to do, which notice shall be given in the manner to be prescribed in the ordinance, providing for such condemnation of property, either or both such appointments shall be made by the city council. The persons so appointed shall be sworn, and shall report within the time and in the manner prescribed for appraisements in the preceding section; this award shall be final unless appeal is made within twenty days from the time of the return thereof to the district court. Any person aggrieved by the award, may, upon filing a precipe therefor, have the case docketed for trial at the next term of court; when the issue in such case is between an owner of property condemned or damaged and the city, such party shall be plaintiff and the city defendant; and when the issue to be tried relates to excessive or unfair charges upon property,

the city shall be plaintiff and the owner of the property defendant; the issue shall be made up, the case tried and determined, and costs taxed as provided in the preceding section: *Provided*, That all costs taxed against the city, and all costs of the appraisement and other proceedings under this section, shall be added to the gross amount to be collected from the several property holders, in the same proportion as said gross amount, and said judgment and costs shall be a lien upon the property therewith charged.

SEC. 10. In all other cases where private property is condemned or taken for public use by authority of this act, the city shall pay a fair compensation therefor to the owners of such property; and when such owners and the city and council are unable to agree as to the amount of such compensation, the same shall be determined in the manner provided by the general law of this territory, relating to the mode of proceeding to appropriate lands by private corporations.

SEC. 11. This charter shall go into effect upon its approval by the governor, and the following named persons are hereby constituted the officers of said city until the general election as hereinbefore provided. Mayor—D. F. Percival; councilmen—T. M. Calloway, L. Walter, J. S. Mount, W. W. Griswold, J. H. Hughes; Marshal—A. H. Gallow; Collector—J. W. Still; Assessor—T. T. Clark.

Approved Nov. 28th, 1883.

AN ACT

ENTITLED AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF SPOKANE FALLS.

ARTICLE I.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That an act entitled an act to amend an act to incorporate the city of Spokane Falls be amended to read as follows: Commencing after the words "shall be bounded as follows," in article first, section 1, of an act to incorporate the city of Spokane Falls, approved November 29, 1881, shall read as follows to-wit: Commencing at the northeast corner, section eighteen, in township twenty-five north, range forty-three (43) east, running thence west one and one-half miles; thence south two miles; thence east two miles; thence north two miles; thence west one-half mile to the place of beginning. All situated, lying and being in the county of Spokane, Territory of Washington.

SEC. 2. The inhabitants of the city of Spokane Falls, within the limits above described, shall be and they are hereby constituted a body politic, and corporate in fact and in law by the name and style of the city of Spokane Falls 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 and personal, and personal and mixed for the use of the city; may lease, sell and dispose of the same for the benefit of the city, and they shall have and use a common seal, and may alter and amend the same and make a new one at pleasure. On the first Tuesday in the month of April, 1884, there shall be a general election held in the city of Spokane Falls, in the county of Spokane, in the Territory of Washington, for the election of a mayor, a city council, a city clerk, a city attorney, a city treasurer and a city marshal; the said city of Spokane Falls is hereby divided into four wards; all that portion of the city lying east of Howard street and south of Riverside avenue shall be in the first ward, all that portion of the city lying north of Riverside avenue and east of Howard street shall be in the second ward, all that portion of the city lying west of Howard street and north of Riverside avenue shall be the third ward, all that portion of the city lying west of Howard street and south of Riverside avenue shall be the fourth ward.

ARTICLE II.

OF THE MAYOR.

SECTION 1. His qualifications—

The chief executive officer shall be the mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits and hold his office for one year and until his successor is elected and qualified.

SECTION 2. Vacancy one year or over—

Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be a year or over from the date when the vacancy occurs, it shall be filled by appointment of city council.

SECTION 3. Vacancy less than year—

If the vacancy is less than one year the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election and until his successor is elected and qualified.

SECTION 4. Mayor *pro tem*—

During a temporary absence or disability of the mayor the city council shall elect one of its members to act as mayor *pro tem*. who during such absence or disability, shall possess the power of mayor.

SECTION 5.—

If the mayor at any time during the term of his office shall remove from the limits of the city his office shall thereby become vacant.

SECTION 6.—

The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie; when he shall give the casting vote.

SECTION 7. When he may remove officers—

The mayor shall have power to remove any officer appointed by him on any formal charge, whenever he shall be of the opinion the good of

the city demands such removal, but he shall report the reasons for such removal to the council at a meeting not more than ten days after such removal, and if the mayor shall fail or refuse to file with the city clerk a statement of the reasons for such removal, or if the council, by a two-thirds vote of all its members authorized by law to be elected by yeas and nays, to be entered upon its record, disapprove of such removal such officer shall thereupon become restored to the office from which he was removed; but he shall give new bond and take a new oath of office; no officer shall be removed a second time for the same offence.

SECTION 8. His power to keep the peace—

He may exercise within the city limits the power conferred upon sheriffs to serve warrants, make arrests, suppress disorders and keep the peace.

SECTION 9. Release of prisoners—

He may release any person imprisoned for violation of any city ordinance and shall report such release with the reason therefor to the council at its first session thereafter.

SECTION 10. General duties—

He shall perform all such duties as are or may be prescribed by law, or by the city ordinances and shall take care that the laws and ordinances are faithfully executed.

SECTION 11. Power to examine records—

He shall have power at all times to examine and inspect the books and records and papers of any agent employed or officer of the city.

SECTION 12. Message to council—

The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

SECTION 13. To call out militia—

He shall have power, when necessary, to call on every male inhabitant of the city, over the age of 18 years, to aid in enforcing the law and ordinances, or to carry into effect any law or ordinance of the city.

SECTION 14. Misconduct, etc., of mayor or other officers—

In case the mayor or any other officers of the city shall, at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression or malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not less than \$100 and not greater than \$1000, and the court, in which such conviction shall be had, shall enter an order removing such officer from office.

ARTICLE III.

OF THE CITY COUNCIL.

SECTION 1. Council how composed—

The city council shall consist of the mayor and aldermen.

SECTION 2. Number of aldermen—

The number of aldermen shall be two from each ward in the city.

SECTION 3. Term of office—

Aldermen shall hold their office for the term of two years and until their successors are elected and qualified.

SECTION 4. Vacancy—

If any vacancy shall occur in the office of alderman by death, removal, resignation or otherwise, such vacancy shall be filled by election.

SECTION 5. Qualifications of aldermen—

No person shall be eligible to the office of alderman unless he shall be a qualified elector and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due the city, nor shall he be directly or indirectly interested in any contract whatever to which the city is a party, nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes, nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council, nor shall any member of the city council at the same time hold any other office under the city government, nor shall he be either directly or indirectly, as an individual or as a member of a firm, engaged in any business transaction (other than official) with the city through its mayor or any of its authorized boards, agents or attorneys whereby any money is to be paid directly or indirectly out of the city treasury to such member or firms.

SECTION 6. Rules, expulsion, bribery—

It shall determine its own rules of proceeding, punish its members for disorderly conduct and with the concurrence of two-thirds of the aldermen elect may expel a member, but not a second time for the same offence: *Provided*, That any alderman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

SECTION 7. Quorum, compelling attendance—

A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

SECTION 8. Meeting—

The city council may prescribe by ordinance the times and places of the meeting thereof and the manner in which special meetings thereof may be called.

SECTION 9. Chairman *pro tem.*—

It may elect a temporary chairman in the absence of the mayor.

SECTION 10. Open doors—

It shall sit with open doors.

SECTION 11. Yeas and nays; record vote required—

The yeas and nays shall be taken upon the passage of all ordinances and in all other cases at the request of any member, which shall be entered upon the journal of its proceedings and a concurrence of a majority of all the members shall be necessary to the passage of any

ordinance: *Provided*, It shall require two-thirds of all the aldermen elect to sell any city property.

SECTION 12. Not to rescind vote at any special meeting—

No vote of the city council shall be reconsidered or rescinded at a special meeting unless there be present at such meeting all the aldermen elected and the mayor.

SECTION 13. When report laid over—

Any report of a committee of the council shall be deferred for a final action thereon, to the next regular meeting of the council, after the report, at the request, in writing, of any four aldermen present.

SECTION 14. Territorial jurisdiction—

The city council shall have jurisdiction in and over all places within one-half mile of the city limits for the regulation thereof, of enforcing health and quarantine ordinances.

SECTION 15. Special meeting—

The mayor or any other alderman may call special meeting of the city council.

SECTION 17. Ordinances approved—veto—

All ordinances passed by the city council, shall, before they take effect, be deposited in the office of the city clerk and if the mayor approve thereof, he shall sign the same and such as he shall not approve he shall return to the council, with his objection thereto, in writing, at the next regular meeting of the council after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, making an appropriation or to the entire ordinance, and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force, but in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly.

SECTION 18. Reconsideration—passing over veto.

Upon the return of any ordinance, by the mayor, the vote, by which the same was passed, shall be reconsidered by the council and if after such consideration, two thirds of all the members elected to the city council shall agree by yeas and nays to pass the same, it shall go into effect notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays and entered on the journal.

ARTICLE IV.

ELECTIONS.

SECTION 1. Annual elections—

A general election for city officers and for members of the board of education, shall be held on the first Tuesday in the month of April of each year.

SECTION 2. Election of mayor, etc.—

At the general election in 1884, and annually thereafter, a mayor, a city council, a city clerk, a city treasurer, a city attorney and a city marshal shall be elected: *Provided*, That no person shall be elected to the office of city treasurer, for two terms in succession.

SECTION 3. Who entitled to vote—

Any person entitled to vote at any general election of the Territory, and who has resided in the city for one hundred days next preceding the day of the election, and who has paid his poll tax, may vote at any election for city officers, or for members of the board of education, but no person shall be entitled to vote at any city election, who has not paid his city poll tax.

SECTION 4. Wards—

The city council may, from time to time, divide the city into as many wards as they by ordinance provide, and one alderman shall annually be elected in, and for each ward, to hold his office for two years, and till his successor is elected and qualified; in the formation of wards, the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable.

SECTION 5. Alderman at first election under this charter—

There shall be elected the full number of aldermen, to which the city shall be entitled by wards, at the first meeting of the city council, after such election. The aldermen elected shall be divided by lot into two classes, those of the first class shall continue in office for one year, and those of the second class, for two years, and any increase of the number of aldermen at their first election, one-half shall be elected for one year, and one-half two years.

SECTION 6. Place of election—

The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in the city of the time and places of election, and of the officers to be elected, at least twenty days prior to such elections; the council shall designate one place in each ward, for holding the election therein, and appoint three judges and two clerks of election for each ward.

SECTION 7. Manner of conducting elections, etc.—

The manner of conducting and voting at elections to be held for the purpose of electing city officers and members of the board of education and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same as in the case of the election of county officers under the general law of this territory. The judge shall appoint clerks when necessary to fill vacancies, and the judges and clerks shall take the same oath, and have the same powers and authority as judges and clerks of general elections; after closing of the polls, the ballots shall be counted, and the returns made out and returned under the seal of the city clerk, within two days after the election, and thereupon the council shall examine and canvass the same, and declare the result of the election, and cause a statement thereof to be entered upon its journals.

SECTION 8. Result tie—

The person having the highest number of votes for any office shall be declared elected; in case of a tie in the election of any officer, it shall be determined by lot, in the presence of the city council, in such manner as they shall direct, which candidate or candidates shall hold the office.

SECTION 9. Notice to persons elected, etc.—

It shall be the duty of the city clerk, within three days after the result of the election is declared, or appointment made, to notify all persons elected or appointed, and unless such persons shall respectively qualify in ten days after such notice, the office shall be vacant, and as though no election had been held.

SECTION 10. When quorum in office—

If for any cause there shall not be a quorum in office of the city council, the mayor, clerk or any alderman may appoint the time and place for holding a special election to supply such vacancy, and give notice and appoint the judges thereof.

SECTION 11. Special elections—

If there is a failure to elect any officer herein required to be elected, or the person so elected should fail to qualify, the city council may forthwith order a new election therefor, and in all cases when necessary, for the purpose of carrying out the provisions of this act, may call special elections, appoint judges and clerks thereof, canvass the return thereof, and provide by ordinance for the mode of conducting the same, and shall give notice of such special elections, in which shall be stated the questions to be voted upon, or officers to be voted for, and cause such notice to be published for the same length of time, and in the same manner, as is required in the case of regular annual elections.

ARTICLE V.**THE POWERS OF THE CITY COUNCIL.****SECTION 1. The city council shall have power :**

1. To control the finances and property of the city.
2. To appropriate money for corporate purposes and provide bills for payment of debts and expenses of the corporation.
3. To levy and collect taxes for general and special purposes on real and personal property.
4. To fix the amount, terms and manner of issuing and revoking licenses.
5. To borrow money on the credit of the city for corporate purposes and issue bonds therefor in such amounts and form and on such conditions as it shall prescribe.
6. To issue bonds in place of, or to supply means to meet maturing bonds or for the consolidation or funding of the same.
7. To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, parks and public grounds and vacate the same.
8. To plant trees upon the same.

9. To regulate the use of the same.
10. To prevent and remove encroachments or obstructions upon the same.
11. To provide for the lighting of the same.
12. To provide for the cleaning of the same.
13. To regulate the openings therein for the laying of gas or water mains or pipes, and the building and repairing of sewers, tunnels and drains and erecting gas lights: *Provided, however,* That any company heretofore organized under the laws of this territory, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas or electricity to supply the city or inhabitants thereof with the same shall have the right by the consent of the city council to erect gas factories and lay down pipes in the streets of the city, subject to such regulations and terms as the city may by ordinance impose.
14. To regulate the construction and use of sidewalks and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalk in front of or along the same free from snow and all other obstructions.
15. To regulate the throwing and prevent depositing ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public grounds.
16. To provide for and regulate crosswalks, curbs and gutters.
17. To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements of every kind.
18. To regulate and prohibit the carrying or exhibition of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.
19. To regulate and prevent the flying of flags, banners and signs across the street and from houses.
20. To regulate and license traffic and sales upon the streets, sidewalks and public places, and taking orders for goods or merchandise of any kind in said city.
21. To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the city.
22. To regulate the numbering of houses and lots.
23. To name and change the name of any street, avenue, alley or other public place.
24. To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley, avenue or public place, but such permission shall not be for a longer time than twenty years.
25. To provide for and change the location, grade and crossing of any railroad.
26. To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossing of streets and public grounds and keep the same in repair within the limits of the city. In case any railroad company shall fail to comply with any such ordinances it shall be liable for all damages the owner of any cattle, horses or any other domestic animals may sustain by reason

of injuries thereto while on the track of such railroad, and be subject to such fines and penalties as the city by ordinance may impose.

27. To require all railroad companies to keep flagmen at railroad crossings of streets and provide protection against injury to persons and property in the use of such railroads; to raise or lower their railroad tracks to conform to any grade which may at any time be established by the city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface and so that such tracks may be crossed at any place on such alley or highway; to compel and require railroad companies to make and keep open and to keep in good repair ditches, drains, sewers and culverts under their railroad tracks, so that filthy or stagnant pools of water cannot remain on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

28. To construct and keep in repair bridges, viaducts, tunnels, and to regulate the use thereof.

29. To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

30. To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

31. To provide for the cleaning and purification of waters, water courses and channels, and the draining or filling of ponds on private property whenever necessary to prevent or abate a nuisance.

32. To license, tax, regulate and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and all other exhibitions, shows and amusements, and to revoke the license at pleasure.

33. To license, tax and regulate hackmen, draymen, omnibuses, drivers, carters, cabmen, porters, expressmen and all others pursuing like occupations, and to prescribe their compensation.

34. To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

35. To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon-hole or any other tables or implements kept or used for a similar purpose in any place of a public resort, pin-alley and ball-alley.

36. To suppress bawdy and disorderly houses, houses of ill-fame or assignation within three miles of the outer boundaries of the city, and also to suppress gaming and gambling houses, lotteries and all fraudulent devices and practices for the purpose of gaming and gambling houses.

37. Devices and practices for the purpose of gaming or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

38. To license, regulate and prohibit the selling or giving away of any intoxicating malt, wines, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: *Provided*, The city council may grant permits to druggists for the sale of liquors for medical, mechanical, sacramental and chemical purposes only under such restrictions and regulations as may be prescribed by ordinance.

39. The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

40. And the city council shall have power to forbid and punish the selling or giving away of any intoxicating malt, wines, mixed or fermented liquors to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated or to any Indian.

41. To provide for establishing markets and market houses and for the regulation and use thereof.

42. To regulate the sales of all meats, poultry, fish, butter, cheese, lard, vegetables, milk and all other provisions, and to provide for the place and manner of selling the same.

43. To prevent forestalling and regrating.

44. To regulate the sale of bread in the city, to prescribe the weight and quality of the bread in the loaf.

45. To provide for the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, tobacco, flour, meal and all other provisions.

46. To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise.

47. To provide for the inspection and sealing of weights and measures.

48. To enforce the keeping and use of proper weights and measures by vendors.

49. To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

50. To regulate places of amusement and tax or license the same.

51. To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and the construction of fire-escapes therein.

52. To regulate partition fences and party walls.

53. The city council for the purpose of guarding against the calamities of fires shall have power to prescribe the limits within which wooden buildings shall not be erected or placed, or repaired without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise to the extent of fifty per cent. of the value, shall be torn down or removed, and to provide the manner of ascertaining such damages.

54. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and apparatus, used in and about any building or manufactory, and to cause the same to be removed or be placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and producing fires, to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

55. To erect fire engine houses and provide fire engines, hose carts hook and ladders and other implements for prevention and extinguish-

ment of fires ; and provide for the use and management of the same by fire companies or otherwise as the city ordinance may provide.

56. To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum or any and all the products thereof, and all other combustibles or explosive material and the use of lights in stables, shops, and other places and the building of bon-fires, also to regulate and restrain the use of fire-works, fire-crackers, torpedoes, Roman candles, sky-rockets, and other pyrotechnic displays.

57. To regulate the police of the city and enforce all necessary police ordinances.

58. To provide for the inspection of steam-boilers.

59. To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

60. To establish and erect calaboozes, bridewells, houses of correction and work-houses for the reformation and confinement of vagrants, idle and disorderly persons, or persons convicted of violating any city ordinances and make rules and regulations for the government of the same and appoint necessary keepers and assistants.

61. To use the county jail for the confinement or punishment of offenders subject to such conditions as are imposed by the laws of the Territory.

62. To provide by ordinance in regard to the relation between all the officers and employes of the city in respect to each other, the city and the people.

63. To prevent and suppress riots, rows, affrays, noises, disturbance, disorderly assemblies, in any public or private place.

64. To prohibit and punish cruelty to animals.

65. To restrain and punish vagrants, mendicants and prostitutes.

66. To declare what shall be a nuisance and to abate the same and to impose fines upon parties who may create, continue, or suffer a nuisance to exist.

67. To appoint a board of health and prescribe its duties and powers.

68. To establish and erect hospitals and medical dispensaries and control and regulate the same.

69. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

70. To establish and regulate cemeteries within or without the corporation and acquire lands therefor by purchase or otherwise and cause cemeteries to be removed and prohibit their establishment within one mile of the corporate limits of the city.

71. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese, chickens and dogs; and to impose a tax on dogs and to provide a pound for keeping dogs, and all other animals.

72. To direct the location, and regulate the management and construction of all packing houses, venderies, slaughter houses, tallow

chandleries, bone factories, soap factories and tanneries, within the limits of the city and within the distance of one mile beyond the city limits.

73. To direct the location and regulate the construction and use of breweries, blacksmith shops, distilleries, livery stables and foundries within the limits of the city.

74. To prohibit any offensive or unwholesome business or establishment within one mile of the city limits.

75. To compel the owner of any grocery seller, soap or tallow chandlery, tannery, stable, pig sty, privy, sewer or other unwholesome, noxious house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

76. The city council shall have power to provide for taking of the city census.

77. To provide for the erection and care for all public buildings necessary for the use of the city.

78. To authorize the construction of mills, mill races and feeders, on, through, or across, the streets of the city at such places and under such restrictions as they deem proper.

79. The city council shall have power by condemnation or otherwise to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad tract, right of way or land of any rail-road company within the corporate limits.

80. To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers and keepers of pawn.

81. To prevent and regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks or to frighten teams and horses.

82. To regulate and prohibit the keeping of any lumber yard and the placing, or piling, or selling any lumber, timber, wood, or other combustible within the fire limits of the city.

83. To provide by ordinance that all the paper, printing, stationery, blanks, fuel and all the supplies needed by the city for its use shall be furnished by contract, let to the lowest bidder, after having given at least ten days' public notice by publishing the same in one of the newspapers published in the city.

84. To tax, license, regulate, second hand and junk stores, and to prohibit their purchasing or receiving from minors without the written consent of their parents or guardians any articles whatsoever.

85. To pass all ordinances and make all rules and regulations proper or necessary to carry into effect the power granted to the said city of Spokane Falls with such fines or penalties as the city council shall deem proper. *Provided*, No fine shall exceed one hundred dollars and no imprisonment shall exceed six months.

ARTICLE VI.

STYLE OF ORDINANCES.

SEC. 1. The style of all ordinances shall be "Be it ordained by the city of Spokane Falls."

SECTION 2—

All ordinances imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation shall within one month after they are passed be published at least once in a newspaper published in the city, and no such ordinance shall take effect until after it is so published. All other ordinances to take effect from and after their passage unless otherwise provided therein.

SECTION 3. Proof of ordinances—

All ordinances and the date of publication thereof may be proven by the certificate of the clerk, under the seal of the city. And when printed in book or pamphlet form and purporting to be published by authority of the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet in all courts and places without further proof.

SECTION 4. Suits for violating ordinances—

All actions brought to recover any fine or to enforce any penalty under any ordinance of the city shall be brought in the name of the city, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party for any other violation of the same ordinance, although a different cause of action existed at the same time, and if united would not have exceeded the jurisdiction of the court or magistrate.

SECTION 5. Fines and licenses paid to treasurer—

All fines and forfeitures for the violation of ordinances when collected and all moneys collected for licenses or otherwise shall be paid into the treasury of the city at such times and in such manner as may be prescribed by ordinance.

SECTION 6. Summons—affidavit—punishment—

In all actions for the violation of any ordinance the first process shall be a summons: *Provided however*, That a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person, that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof, and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offence. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work house, house of correction or other place provided by the city for the incarceration of offenders until such fines,

penalty and costs shall be fully paid: *Provided*, That no such imprisonment shall exceed six months for any one offence. The city council shall have power to provide by ordinance that every person so committed shall be required to work for the city at such labor as his or her strength will permit, within or without such prison, work house, house of correction or other place provided for the incarceration of offenders, and for such work the person so employed shall be allowed, exclusive of his or her board, \$1.50 for each day's work, on account of such fine and costs.

SECTION 7. Jurisdiction, etc.—

Any and all justices of the peace, and police magistrates, shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

SECTION 8. Who may serve processes—

Any constable or sheriff of the county, or any person may be appointed by the justice or magistrate issuing the process, to serve the same or make any arrest authorized to be made by any city officer.

SECTION 9. Jurisdiction over water—

The city shall have jurisdiction upon all waters within, or bordering upon the same, to the extent of three miles beyond the limits of the city.

SECTION 10. Street labor—

The city council may require every able bodied male inhabitant of the city, above the age of twenty-one years, and under the age of forty-five years (except those exempt by law) to labor on the streets and alleys of the city, not more than three days in each year, or such ordinance may require a poll tax of not more than five dollars per annum, to be paid by each male inhabitant of the city, over the age of twenty-one years, and not over forty-five years old.

ARTICLE VII.

OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1.—

There shall be elected in the city of Spokane Falls, Washington Territory, the following officers: A mayor, a city council, a city clerk, a city attorney, a city treasurer and a city marshal.

SECTION 2.—

The city council, may in its discretion, from time to time, by ordinance passed, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a superintendent of streets, a city comptroller or any or either of them, and all such other officers as may by said council be deemed necessary or expedient. The city marshal shall perform such duties as shall be prescribed by ordinance or resolution. It shall be the duty of the city marshal to observe all city ordinances and enforce the same; he shall possess the power and authority of a constable at common law, and under the code of this territory.

SECTION 3. Appointment, vacancies, duties, powers—

All officers of the city except where herein otherwise provided, shall be appointed by the mayor, and vacancies in all offices, except mayor and alderman, shall be filled by like appointment by, and with, the advice and consent of the city council. The city council, may by ordinance not inconsistent with the provisions of this act, prescribe the duties, and define the powers of all such officers, together with the length of the term of any such office: *Provided*, The term shall not exceed two years.

SECTION 4. Oath, bond—

All officers of the city, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation, "I do solemnly swear (or affirm) that I will support the constitution of the United States and the organic act of this territory, and I will faithfully discharge the duties of _____ according to the best of my ability." Which oath shall be filed with the clerk. All such officers except alderman and _____ shall, before entering upon the duties of their respective offices, execute a bond with security to be approved by the city council, payable to the city in such penal sum as may be, by resolution or ordinance, directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys accrued by such offices, according to law, and the ordinances of the city: *Provided*, That in no case shall the mayor's bond be fixed at a less sum than \$3,000.

SECTION 5. Commissions, etc.

All officers elected or appointed, except the mayor and aldermen, shall be commissioned by warrant, under the corporate seal, signed by the mayor or presiding officer and the clerk. Any person having been an officer of the city shall, within five days after requested by the mayor or clerk, deliver to his successor in office all property, books and effects of every description, in his possession, belonging to the city or appertaining to his said office, and upon his refusal to do so, shall be liable to such penalty as may, by ordinance, be prescribed.

SECTION 6. Qualification of officers—

No person shall be eligible to any office who is not a qualified elector of the city, and who shall not have resided therein at least six months next preceding his election or appointment, nor shall any person be eligible to any office, who is a defaulter to the city or is in default or delinquent in the payment of any tax to the city.

SECTION 7. Not interested in contracts.

No officer shall be directly, or indirectly, interested in any contract, work or business of the city, nor in the sale or purchase of any real estate sold or purchased by the city.

SECTION 8.—

No person shall hold more than one office under the city government at the same time.

SECTION 9.—

The duties of all the officers of the city except the mayor and the aldermen shall be prescribed by ordinance, not inconsistent with this act.

SECTION 10. Conservators of the peace—

The mayor, aldermen, the marshal and his deputies, policemen and watchman, shall be conservators of the peace. And all officers of the city whether elected or appointed shall have power to arrest or cause to be arrested, with or without process, all persons who they shall know to have been guilty of violating any of the ordinances of the city, and they shall have power to serve all papers issued by authority of the city.

SECTION 11. Compensation—

The mayor of the city shall receive such compensation as the city council may, by ordinance, direct; but his compensation shall not be changed during his term of office. The aldermen and all other city officers and employes shall receive such compensation for their services as shall be fixed by ordinance; such compensation shall not be changed after it has once been established, so as to take effect as to any alderman voting for such change during his term of office.

SECTION 12. Administering oaths—

The mayor and the clerk of the city shall have power to administer oaths and affirmations upon all lawful occasions.

SECTION 13. Of finances—

The fiscal year of the city shall commence on the first Tuesday of April, A. D. 1884.

SECTION 14. Annual appropriations—

The city council shall, within the first quarter of each fiscal year, pass an ordinance to be termed the annual appropriation bill, in which the city may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities. The city council shall have power to make such appropriation as may be necessary to pay any contracts made by the city, or to make or carry out any improvements in the city.

SECTION 15. Duties of the treasurer—

The treasurer shall receive all moneys belonging to the city and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books shall always be open to the inspection of any legal voter or tax payer in the city.

SECTION 16.—

He shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto.

SECTION 17. Monthly statement—

The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council showing the state of the treasury at the date of such account and the balance of the money in the treasury. In his monthly report he shall return all warrants paid by him stamped or marked paid. He shall keep a register of all warrants redeemed and paid which shall describe such warrants and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

SECTION 18.—

The treasurer may be required to keep all moneys in his hands belonging to the city in such place of deposit as may be required by

ordinance; *Provided, however,* That the treasurer shall keep all money belonging to the city in his hands separate and apart from his own money, and he is hereby expressly prohibited from using directly or indirectly the corporation money or warrants in his custody for his own use and benefit or that of any other person, and upon any violation of these provisions his office shall be declared vacant, and the city council shall proceed at once to fill said vacancy, and his successor shall hold his office for the remainder of the term unexpired of such office so removed.

SECTION 19. Warrants—

All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and what services said person rendered the city to whom the warrant is payable; and no money shall be otherwise paid than upon such warrant so drawn, except as hereinafter provided.

SECTION 20. City collector, his duties—

It shall be the duty of the city collector to preserve all warrants which are returned into his hands, and he shall keep such books in such a manner as the city council may prescribe; such warrants, books and all papers pertaining to his office shall at all times be open to inspection of the mayor or any member of the city council; he shall, weekly or oftener, pay over to the treasurer all moneys collected by him from any source whatever.

SECTION 21. Not to detain money—

The collector is hereby expressly prohibited from keeping the moneys of the city in his hands or in the hands of any person for his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision shall subject him to immediate removal from office.

SECTION 22.—

All the city collector's books, accounts and papers, warrants and vouchers may be examined at any time by the mayor or any member of the city council, and the collector shall, every week, and oftener if the city council shall so direct, pay over all money collected by him from any source whatever, the treasurer taking his receipt therefor in duplicate; one of which he should at once file in the office of the clerk.

SECTION 23. City comptroller—

Shall exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection or disbursement of city revenues, and do any and all such things as he may be required (pertaining to his office) by the city council. It shall be his duty to examine the books, vouchers, receipts and warrants of the treasurer, clerk and collector, and report the same to the city council at least once every three months. He shall in such report show the aggregate of the preceding quarter from all sources, the amount of liabilities outstanding, the loans and debts payable during the coming quarter, and in such report he shall give such other and further information to the council as he may deem necessary (or as he may be required by ordinance) to the

end that the council may fully understand the money exigencies and demands upon the city for the current quarter.

SECTION 24. General provisions—

The collector and treasurer and clerk and all other officers connected with the receipt and the expenditure of money, shall perform such other duties and be subject to such other rules and regulations as the city council may from time to time by ordinance provide and establish.

ARTICLE VIII.

FOREIGN INSURANCE COMPANIES.

SECTION 1. Foreign insurance companies—

All corporations, companies or associations not incorporated under the laws of this territory, engaged in the city in effecting fire insurance, shall pay to the treasurer the sum of [\$2.00] two dollars upon the [\$100] one hundred dollars of the gross receipts by their agency in the city, and at that rate upon the amount of all premiums, which during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city by or with such corporation or associations respectively. Every person who shall act as agent or otherwise for or on behalf of any such corporation, company or association shall, on or before the fifteenth day of July and January in each year, render to the city council a full, true and just account verified by his oath of all premiums and policies issued by any company, corporation or association which during the half year ending on the first day of July and January, preceding such report, shall have been received by him or any other person by him in behalf of any such corporation, company or association, and shall specify in said account the amount received for fire insurance. Such agents shall also pay over to the treasurer of the city at the time of rendering said account the amount of rates for which the companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day heretofore designated for that purpose, or if said rates shall remain unpaid after that day it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in the city until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof.

SECTION 2—

Any person violating any of the provisions of this section shall be deemed guilty of a felony, and shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than \$300, and not exceeding \$1,000, and imprisonment in the penitentiary not exceeding two years. Said rates may also be recovered of such corporation, company or association or its agent by action in the name and for the use of the city as for money had and received for its use, together with costs and a reasonable attorney's fee.

ARTICLE IX.

OF THE ASSESSMENT, ETC., OF TAXES.

SECTION 1—

The city council may levy and collect taxes for corporate purposes in the manner following:

SECTION 2—

The city council shall, annually, on or before the 3d day of June in each year, ascertain the total amount of appropriations for all corporate purposes legally made, and to be collected from the tax levy of the fiscal year, and by an ordinance specifying the purposes for which such appropriations are made and the sum or amount appropriated for each purpose respectively, levy the amount so ascertained upon all the property subject to taxation within the city as the same is assessed.

SECTION 3—

A certified copy of such ordinances shall be filed with the proper clerk of the county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city as the same is assessed, will produce a net amount not less than the amount so directed to be levied, and it shall be the duty of the county clerk to extend such tax in a separate column upon the book or books of the collector of taxes for the county and territory within the city.

SECTION 4. Manner of collecting, etc.—

The taxes so assessed shall be collected and enforced in the same manner and by the same officers as territory and county taxes, and shall be paid over by the officer collecting the same to the treasurer of the city.

SECTION 5. Time of paying over—

It shall be the duty of the officers collecting said tax to settle with, and pay over to, such treasurer as often as every two weeks from the time he shall commence the collection thereof till the whole tax collected shall be paid over.

SECTION 6. Uniformity—

All taxes levied or assessed by the city shall be uniform upon all taxable property and persons within the limits of the city.

SECTION 7—

All moneys received for licenses and fines shall be paid into the city treasury and constitute a general municipal fund, including three-fourths of all county licenses for liquor, assessed or collected within the corporate limits of the city of Spokane Falls.

SECTION 8. Water, borrow money—

The city council shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs, or water-works, and to borrow money therefor, and to authorize any person or private

corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of water, and injuries to such wells, pumps, cisterns, reservoirs or water-works.

SECTION 9. Acquiring property for water-works, jurisdiction over—

For the purpose of establishing or supplying water-works, said city may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring of private property for public use; and the jurisdiction of said city to prevent or punish any pollution or injury to the stream or watercourse, or to such water-works, shall extend five miles beyond its corporate limits, or so far as such water may extend.

SECTION 10. Regulations, rats, taxation, etc.—

The city council shall have power to make all needful rules and regulations concerning the use of water supplied by the water-works of said city, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water-works, and for the levying and collection of any water taxes, rates or assessments, as the said city council may deem necessary and expedient; and such water taxes, rents, rates, or assessments may be levied or assessed upon any lot or parcel of ground (having a building or buildings thereon) which shall abut or join any street, avenue or alleys in said city through which the distributing pipes of such water-works, of said city, are or may be laid, which can be conveniently supplied with water from said pipes, whether the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as other delinquent taxes are enforced and collected, and the city council may levy a general tax for the construction and maintenance of such water-works, and appropriate money therefor, but no such works shall be erected by the city until a majority of the voters of the city general election assent thereto. Said vote shall be upon a separate ballot and form no part of a ballot for any office or officer or other proposition, or appropriation.

ARTICLE X.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS, POWERS CONFERRED.

1. That the city is hereby vested with power to make local improvements by special assessments or by special taxation, or both, of contiguous property, or general taxation, or otherwise as it shall by ordinance prescribe.

ORDINANCE FOR IMPROVEMENT.

2. When the city shall by ordinance provide for the making of any

local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

WHEN PROPERTY IS TAKEN, ETC.

3. Should said ordinance provide for improvements which require the taking, or damaging of property, the proceeding for making just compensation therefor shall be as follows:

PETITION.

4. Whenever any such ordinance shall be passed by the legislative authority of the city, for the making of any improvement mentioned in the first section of this act, or any other improvement that the city is authorized to make, the making of which will require that private property be taken or damaged for public use, the city shall file a petition in some court of record of the county in which the city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged, for the improvement or purpose specified in such ordinance, shall be ascertained by a jury."

FORM OF PETITION.

5. The petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal, a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the territory, stating the fact of the non-residence.

SUMMONS—PUBLICATION—NOTICE.

6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, and in case any of them are unknown, or reside out of this territory, the clerk of the court, upon an affidavit being filed, showing such fact, shall cause publication to be made in some newspaper printed in the county, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the notice of said proceeding; the publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of the summons. Notice so given by publication shall be sufficient to authorize the court to hear and determine the suit as though all parties had been sued by their proper names and had been personally served.

HEARING—JURY.

7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of the petition, and shall empanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid, but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation of lawyers to be paid to any one or more of the parties defendants or parties in interest.

JURY TO ASCERTAIN COMPENSATION—ADMITTING OTHER PARTIES.

8. The jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by the improvement, whether or not such person's name, or such lot, parcel of land or other property is mentioned or described in the petition: *Provided*, Such person shall first be admitted as a party defendant to said suit by the court, and shall file a statement of his interest in a description of the lot, parcel of land or other property in respect to which he claims compensation.

VIEWING PREMISES, OWNERSHIP, ETC.

9. The court may, upon the motion of the city, or any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding, will be taken or damaged by said improvement; and in any case where there is no satisfactory evidence given to the jury, as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property, or part of property, to be taken or damaged, and for the entire interests therein.

JUDGMENT, NEW PARTIES, FURTHER PROCEEDINGS.

10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment, or decree thereon, as the nature of the case may require. The court shall continue or adjourn the cause from time to time, as to all occupants and owners named in the petition, who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made, and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to the defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided, for the ascertaining of compensation to other owners.

POWERS OF COURT.

11. The court shall have power, at any time, upon proof that any such owner or owners named in the petition who have not been served with process, have ceased to be such owner or owners, since the filing of the petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

OWNERSHIP, FURTHER POWERS OF COURT.

12. No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid

for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained, and the court may make such order as may be necessary, in regard to the deposit or payment of such compensation.

PERSONS UNDER DISABILITY.

13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant, or insane or distracted person, 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 interests of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

JUDGMENT, EFFECT, APPEAL, ETC.

14. Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as herein provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said audience, if the city shall deposit as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security, to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

ORDER FOR POSSESSION.

15. The court, upon proof of that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given in case of any appeal or writ of error,) shall enter and order that the city shall have the right at any time thereafter to take possession of or damage the property in respect to which such compensation shall have been so paid or deposited as aforesaid.

WHEN IMPROVEMENT MADE BY GENERAL TAX.

16. When the ordinance under which said improvement is ordered to be made, shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of the city, and shall be levied and collected with, and as a party of the general taxes of the city.

SPECIAL TAXATION.

17. When said ordinances, under which said local improvement shall be ordered, shall provide that such improvement shall be made by special taxation of contiguous property the same shall be levied, assessed and collected in the way provided in the sections of this act,

providing for the mode of making levies, assessing, and collecting special assessments.

SPECIAL ASSESSMENTS HOW MADE.

18. When the ordinance, under which said local improvement is ordered to be made, shall provide that such improvement shall be wholly or in part made by special assessment, the proceeding for the making such special assessment shall be in accordance with the sections of this act.

ORDINANCE FOR SIDEWALKS—OWNER'S RIGHTS.

19. Whenever such local improvements are to be made wholly or in part, by special assessment, the said council shall pass an ordinance to that effect, specifying therein the nature, character, locality, and description of such improvement: *Provided*, That whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk, shall be allowed fifteen days after the time at which such ordinance shall take effect, in which to build or renew such sidewalks opposite his land, and thereby relieve the same from assessment: *Provided*, That the work so to be done shall in all respects conform to the requirements of such ordinance.

ESTIMATE OF COST.

20. The city council shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement, contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council.

ORDER FOR PROCEEDINGS IN COURT.

21. On such report being made and approved by the council, it may order a petition to be filed by such officer as it shall direct in the county court of its county, for proceedings to assess the cost of such improvement, in the manner provided in this act.

PETITION TO COURT.

22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement, and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by laws.

APPOINTMENT OF COMMISSIONERS—OATH.

23. Upon the filing of such petition the court shall appoint three competent persons as commissioners who shall take and subscribe an oath.

DUTY OF COMMISSIONERS.

24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts, and parcels of land that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public; and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between

the city and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will severally be benefited by such improvement: *Provided*, That no lot, block, tract, or parcel of land shall be assessed a greater amount than it will be actually benefited: *And provided further*, That it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys.

ASSESSMENT ROLL RETURNED.

25. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners so far as known, a description of each lot, block, tract, or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down, as against the city, the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had.

NOTICE BY MAIL, POSTING AND PUBLICATION.

26. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon shall be had, in the following manner:

First. They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice substantially in the following form:

Mr. (————); Your (here give a short description of the premises) is assessed \$—.— for public improvement. The assessment roll will be returned to the ——— term of the county court of ——— county.

—————
 —————
 —————

(Here give date)

Commissioners.

Second. They shall cause at least ten days' notice to be given, by posting notices in at least four public places in the city, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in the city, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in the city, and a weekly newspaper is published therein, then at least once in each week, for two consecutive weeks, in such weekly newspaper, or if no daily or weekly newspaper, is published in the city, then in a newspaper published in the county in which the city is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the city council of ——— having ordered that ——— (here insert the description and nature of improvements substantially as in ordinance) having applied to the county court of ——— county for an assessment of the costs of said improvements, according to benefits; and an assessment thereof

having been made and returned to said court, the final hearing thereon will be had at the _____ term of said court, commencing on the _____ day of _____ A. D., 18—. All persons desiring may then and there appear and make their defense.

(Here give date)

 Commissioners.

PROOF OF NOTICE.

27. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of business are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices, required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices.

CONTINUANCE WHEN NOTICE NOT IN TIME.

28. If ten days shall not have elapsed between the first publication, or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

OBJECTIONS—JUDGMENT BY DEFAULT.

29. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order, in regard to the time of filing such objections, as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land, to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

HEARING—JURY.

30. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

PRECEDENCE.

31. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

COURT MAY MODIFY, ETC., THE ASSESSMENT.

31. The court, before which any such proceeding may be pending,

shall have authority, at any time before final adjournment [judgment] to modify, alter, change, annul or confirm any assessment returned as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or re-casting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement, according to the principles of this act and may from time to time, as may be necessary, continue the application for that purpose, as to the whole or any part of the premises.

JUDGMENT SEVERAL—APPEAL, ETC., LIEN.

32. The judgment of the court, shall have the effect of a several judgment, as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error, shall not invalidate or delay the judgment, except as to property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof, until payment shall be made.

JUDGMENT CERTIFIED TO CITY CLERK—FILING—WARRANT.

34. The clerk of the court, in which such judgment is rendered, shall certify the assessment roll and judgment to the clerk of the city, or if there has been no appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city shall file such certificate in his office, and issue a warrant for the collection of such assessments.

FORM OF WARRANT.

34. The warrant, in all cases of assessment under this act, shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments; such warrant shall give sufficient authority to collect the assessments therein specified.

COLLECTOR'S NOTICE—FORM OF.

35. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in the city, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places, along the line of the proposed improvements; such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE.

SPECIAL WARRANT NO.—

36. Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvements (here insert the character and location of the improvements in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city of ———, that a warrant for the collection of such assess-

ments, is in the hands of the undersigned. All persons interested, are hereby notified to call and pay the amounts assessed, at the collector's office (here insert location of office) within thirty days from the date hereof. Dated this _____ day of _____ A. D., 18—.

_____ collector.

MANNER OF COLLECTING—ENTRY OF PAYMENT.

37. It shall be the duty of the collector, into whose hands the warrants shall so come, as far as practicable, to call upon all persons residents within the corporation, whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessments, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10, for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special assessments, shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and postoffice address of the person making the payment, and date of payment.

REPORT OF DELINQUENT LIST TO COUNTY COLLECTOR—EVIDENCE—DEFENSE.

38. It shall be the duty of the collector of special assessments, within such time as the city council may by ordinance provide, to make a report in writing to the general officer of the county authorized, or to be designated by the general revenue law of this territory, to apply for judgment and sell lands for taxes due the county and territory of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrants; with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the land, city lots and real property on which the special assessments levied by authority of the city of Spokane remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law; that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And upon the application for judgment upon such assessment, no defence or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

APPLICATION FOR JUDGMENT—WHAT LAWS GOVERN.

38. When said general officer shall receive the report, provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property, for said special assessments remaining due and unpaid, in the same manner as is, or may be, by law provided, for obtaining judgment against lands for taxes due and

unpaid the county and territory, and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this territory, except when otherwise provided herein.

RETURN OF SALES—REDEMPTION.

39. After making said sales, the list of lots, parcels of lands and property sold thereat, shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this territory.

PENALTIES WHEN LANDS ARE SOLD FOR TAX, ETC.

40. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards return the same as unpaid to the officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment, which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city shall, in no case, be liable to the holder of such certificate.

PAYING OVER—COMPENSATION.

41. The collector or collectors, and the general officers aforesaid, to whom the said warrant shall be returned, shall pay over to the city treasurer to which it shall belong, all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collecting of such assessment as the ordinances of the city may provide, except when such compensation is fixed by general law.

GENERAL REVENUE LAWS APPLY.

42. The general revenue laws of this territory, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

CITY MAY BUY IN.

43. The city interested in the collection of any tax or special assessment may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may by ordinance authorize and make it the duty of one or more city officers to attend such sales, and bid thereat in behalf of the corporation.

WHEN ASSESSMENT SET ASIDE—NEW ASSESSMENT.

44. If in any case the first assessment prove insufficient, a second

may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

NEW ASSESSMENTS AGAINST DELINQUENTS—LIEN—LIMITATION.

45. If from any cause the city shall fail to collect the whole of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvements authorized to be made, and paid for by special assessment, the city council may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be, in the same manner as herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessment they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results; if such new assessment prove ineffectual, either in whole or in part, the city council may, at any time within said period of five years, order a third and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been incumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years from the confirmation of the original assessment and for such longer period as may be required to collect in due course of law, any new assessment ordered within that period.

CONTRACTS PAYABLE FROM ASSESSMENTS.

46. All persons taking any contracts with the city and who agree to be paid from special assessments, shall have no claim or lien upon the city in any event, except from the collections of the special assessment made for the work contracted for.

HOW CONTRACTS LET—APPROVAL.

47. All contracts for the making of any public improvements, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance, such contracts to be approved by the mayor: *Provided, however,* Any such contract may be entered into by the proper officer without such approval, by a vote of two-thirds of all the aldermen elected.

LIEN.

48. All special assessments levied by the city under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the

collector, upon any warrant or order issued or made for the collection of special assessments as in the case of the collection of territorial and county taxes under the general laws of the territory.

COLLECTION BY SUIT.

49. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of the city, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of; such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court; upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy, (by the clerk, under the corporate seal) of such warrant or warrants, and list or lists or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city, issue a *scire facias* against the person or persons liable for such payments to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgment at law.

ARTICLE XI.

MISCELLANEOUS PROVISIONS—POPULATION—CENSUS.

SECTION 1. Equalize taxes, etc.—

The city council shall have power to equalize taxes upon the assessment roll of the city at any time prior to the day fixed for taxes becoming delinquent: *Provided*, That ten days' notice by publication or writ; ten personal service shall be given to any person whose name it is proposed to add to the list or to any person it is proposed to increase, citing him to come forward and show cause if any there be, why such action should not be taken by the city council.

SECTION 2. Power to license, tax, regulate, etc.—

The city shall have power to license, tax, regulate and prohibit wash-houses, or laundries or dye houses and to prescribe and designate places for carrying on the same and to license and tax hotels, restaurants, lodging houses, livery stables, business houses, and wholesale and retail establishments of every kind and description: *Provided*, That no tax

shall be imposed or license required of carpenters, blacksmiths, boot and shoe makers, tailors, milliners and dressmakers, nor shall any tax be imposed or license required for the sale of any of the actual products of his or her own farm or garden, or mechanics who expose for sale only the goods, wares or merchandise manufactured within the city limits.

SECTION 3. Corporate limits, etc.—

The corporate limits of the city of Spokane Falls shall not be included within any road district, nor shall the county commissioners of Spokane county have any jurisdiction over the expenditure of road tax collected within the limits of said city; said city shall be a separate and independent road district under the exclusive control of the city council. All road taxes whether road poll or road property tax levied, assessed or collected by virtue of the general road and revenue laws of the Territory of Washington, within the corporate limits of the city, shall belong to the city of Spokane Falls, and the road poll tax and the city poll tax may be levied and collected at such time as may be fixed by ordinance. Any person refusing or neglecting to pay his road or city poll tax after demand is made by the proper officer for such payment shall be deemed guilty of a misdemeanor and shall be punished as other offenders who are guilty of violating the city ordinances, are punished as the city council by ordinance may provide.

SECTION 4. Vagrants, etc.—

Any person who has no employment or occupation or visible means of support and is loitering or traveling about the city shall be deemed a vagrant and shall be punished as the city council by ordinance may provide.

SECTION 5. Population—census—

Whenever in this act any provision thereof is based upon the number of inhabitants of the city, the number of inhabitants shall be determined by reference to the latest census taken by the city; and it shall be the duty of the secretary of the territory, upon the publication of any census, to certify to the city the number of inhabitants, as shown by such census. The city may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several counties in this territory shall take judicial notice of the population of the city as the same may appear from the latest city census so taken.

SECTION 6. City need not give appeal bond—

When in any suit the city prays an appeal from the judgment of any court of this territory to a higher court, it shall not be required to furnish an appeal bond, or in any case to give security for costs.

SECTION 7. Inhabitants competent as jurors, etc.—

No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city, in any action or proceeding in which said city may be a party in interest.

SECTION 8. Municipal year—

The term "municipal year" shall be construed to mean the period elapsing between the regular annual election unless otherwise provided.

by ordinance. To carry into effect the provisions of this act, until officers can be duly elected at the first election day herein provided for, the present city officers of Spokane Falls shall continue in office until such election and till their successors are elected and qualified. All acts and parts of acts in so far as the provision thereof conflicts with, or is inconsistent with this act, are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved November 28, 1883.

AN ACT

PROVIDING FOR THE REGISTRATION OF VOTERS IN THE CITY OF SEATTLE FOR THE ELECTION OF CITY OFFICERS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* No one shall be allowed to vote at any election held in said city for city officers, unless registered as a voter as herein provided.

SEC. 2. There shall be for said city a board of registration, consisting of one qualified voter, in said city, from each ward therein. This board shall be elected and appointed by the common council of said city at the first regular meeting thereof in the month of May, of each year, and shall continue in office until their successors are appointed and qualified. Vacancies happening in such board shall be filled by the mayor of said city, immediately upon being informed thereof. For official misconduct, or other good cause, the common council may remove any person elected or appointed under this section.

SEC. 3. Such board shall appoint one of their members president. The clerk of said city shall be *ex officio* clerk of said board. A majority of the board shall constitute a quorum for the transaction of business. In case of the absence of the president or clerk, the board may appoint a president or clerk, *pro tem*.

SEC. 4. It shall be the duty of the president to preside at all meetings of the board, and to sign his name to the proceedings thereof.

SEC. 5. The clerk shall record all the proceedings of the board in a suitable book to be procured for that purpose, at the expense of the city, and such record shall, at all reasonable times, be open to the inspection of any person interested therein. The records of the board, or a copy thereof, certified by the clerk of the board, shall be received as evidence in any court of this territory when the acts or proceedings of the said board, or any member thereof, shall in any way be called in question.

SEC. 6. In addition to the said board of registration, there shall be an officer who shall be styled the registrar of said city. The clerk of said city shall *ex officio* be the registrar thereof.

SEC. 7. The said registrar shall sit at the clerk's office, of said city, on the third Monday in June, in each year and for five days thereafter, in all six days, between the hours of nine o'clock A. M., and twelve o'clock M., and one o'clock P. M., and four o'clock P. M., of each day, in order to make a correct register of all the qualified voters in said city. He shall give notice of such sitting for five days previous thereto, by printed notices posted at five or more public places in each ward, in said city, and also a like notice published in the official newspaper of said city. Every person not registered, claiming the right to vote in said city, for the officers thereof, shall apply for registration, at the time in said notice specified, or to the board of registration, as hereinafter provided. The registrar may require any applicant to answer on oath any question which he may ask him, touching his right to vote; and the registrar is hereby authorized to administer any oath which may be required under this section.

Sec. 8. Every applicant who shall make it appear to the satisfaction of the registrar, that he is a qualified voter for city officers in said city, shall be registered as such in the registry of the ward in which such applicant resides; but if he fail to make it so appear, or if the registrar has doubts as to the qualification of the applicant, his application shall be rejected. The registrar shall keep a list of all rejected applicants and shall return the same to the board of registration, with the registry of voters as hereinafter provided. When an application for registration is rejected, the registrar shall deliver to the applicant, a printed notice substantially as follows: Sir—Having doubts as to your qualifications as a voter in the city of Seattle, for city officers, your application to be registered in the ——— ward of said city, is rejected, and you are notified to appear before the board of registration, of said city, at the council chambers of said city, on either Friday or Saturday immediately preceding the second Monday of July 18— for the purpose of being registered as a voter in said city, should said board deem you a qualified voter therein.

[Signed,]

A B, Registrar.

SEC. 9. The registrar shall, on or before 10 o'clock A. M. of the first Monday in July, in each year, make out an alphabetical order and return to the board of registration of said city a separate register of voters for each ward in said city, as made out and approved by the board of registration for the last preceding election, except the names of such persons as have since died or removed from the ward, and such as have in any way, since their registration, become disqualified to vote therein: *Provided*, No name shall be stricken from the register except by an order of the board, made in regular session, and containing, also, the name of all other persons who shall have been admitted to registry as provided herein. He shall, upon application, register the name of any qualified voter for city officers, as aforesaid, in the proper ward, or of any person who will become such, as aforesaid, at any time before returning his register to the board of registration and no such register shall be returned before the said first Monday in July in each year.

SEC. 10. The registrar shall, before he returns his register, as herein provided, make and attach to each, a certificate to the follow-

ing effect: "I, A B, registrar of the city of Seattle, do hereby certify on my official oath that the foregoing is a correct register of the voters of the — ward in said city, prepared by me, according to law.
Given under my hand this — day of — 18—.

SEC. 11. The clerk of the city council shall cause to be prepared suitable books for the registration of voters as herein provided, which books shall be paid for out of the general fund of said city. The books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns with appropriate heads, as follows: name, age, place of birth, time of residence in said city, date of declaration of intention to become a citizen of the United States or date of naturalization papers, and by what court issued, remarks; and it shall be the duty of the registrar to make the appropriate entry in each of said columns, according to the facts in each case.

SEC. 12. The first meeting of the board of registration shall be held at the clerk's office of the city of Seattle, on the first Monday of July in each year, to examine the registers of voters returned by the registrar, as hereinbefore provided, and if upon such examination, they shall be of opinion that any person whose name has been registered, is not a qualified voter for city officers, they shall cause a notice to be served upon such person to appear at the meeting of said board, to be held as hereinafter provided, to show cause, if any they can, why his name shall not be stricken from the register of voters. Such notice should be a general notice for each ward, and in effect as follows:

The board of registration of the city of Seattle, to A B, C D, E F, etc., (naming the persons cited to appear) voters registered by the registrar as voters in the ward of said city, greeting: You and each of you are hereby notified to be and appear before our said board, on either Friday or Saturday next following the date of this notice, at a meeting to be held by said board, at the council chamber of the city of Seattle, between 9 o'clock A. M. and 5 o'clock P. M., of said days, to show cause, if any, why your name shall not be stricken from the register of voters in said ward.

Given under our hands this — day of July, 18—

A B,

President of the Board of Registration of the City of Seattle.

Attest, C D,

Clerk of the Board of Registration of the City of Seattle.

Such notice shall be served on the Tuesday preceding the second Monday in July in each year, by posting a copy thereof at some conspicuous place on the premises where the city election is to be held, in the ward in which such person is registered. Upon the failure of any person upon whom such notice shall be served, as aforesaid, to appear before the board at the time specified therein, and the board being fully satisfied that the person cited to appear is not a qualified voter, or in case he shall appear, and upon his appearance fail to prove to the satisfaction of the board of registration that he is a qualified voter in the ward in which he has been registered, the said board shall strike his name from the register of voters in that ward. If said voter

is qualified, but registered in the wrong ward, or otherwise improperly registered, the board shall cause said mistake to be corrected. The registers of voters shall at all reasonable hours be open to the inspection of any qualified voter in said city, and such person shall have the right, either orally or in writing, to complain to said board touching the registration of disqualified persons, and such board shall hear such complaint, and, if satisfied that there is reason to believe that the person complained of is disqualified, they shall cite him to appear, as herein provided, and shall strike him from the register of voters, should it appear that he was not a qualified voter as aforesaid.

SEC. 13. The next regular meetings of the board of registration shall be held at the council chambers of the city of Seattle, on Friday and Saturday immediately preceding the second Monday of July in each year. It shall be the duty of said board, at these meetings, to hear and determine on the application of the person refused, all cases in which the registrar has refused to register; also, to hear and determine the cases of all persons upon whom notice has been served, as provided for in the preceding section, and also to receive, act upon and decide original applications for registration, in cases where the applicant shows good cause for not having made such application to the register. The board may examine, on oath, any party appearing before them upon notice, as provided in the preceding section, or upon an original application for registration, and upon such examination may propound such questions as they may deem necessary, to enable them to determine the right of any such person to vote at the city election. They may examine, on oath, such witnesses as they may deem proper, or the party interested may produce for the same purpose. If, upon consideration of such examination, evidence and oath, the board shall be satisfied that the party cited to appear, or whom the registrar has refused or failed to register, or applies for registration, is a qualified voter for the city officers of said city, they shall cause his name to be entered upon the register of voters of the ward in which he resides; but if they are not so satisfied, the application for registration shall be denied, and if registered the disqualified person shall by the board be stricken from the register of voters in which he is registered. The meetings of the board, as herein provided for, shall be held between 9 o'clock A. M. and 12 o'clock M., and 1 o'clock P. M. and 5 o'clock P. M. of each of said days. The said board, however, shall have power to hold on each of said days evening sessions between the hours of 7 o'clock P. M. and 10 o'clock P. M. of each day, if they so elect.

SEC. 14. No foreign applicant for registration shall be registered unless he produce his declaration of intention to become a citizen of the United States, or his naturalization papers, or a certified copy thereof, with satisfactory proof of his identity, or in case of the loss of such papers, upon satisfactory proof of his declaration of intention to become a citizen of the United States, or of his naturalization as said citizen, and show himself otherwise to be a qualified voter, or upon his own affidavit of the loss of such papers, together with the affidavit of a registered voter that the applicant has resided in the United States for five years, and in the city six months next preceding the time of application, and

is reputed to be a citizen of the United States, and the deponent believes him to be such.

SEC. 15. The board of registration shall have power to preserve order in and about the place of holding their meetings while they are in session. For this purpose it shall be the duty of the city marshal, of the city, to be present at the meeting of said board, to arrest any offender who shall in any way threaten with violence, or attempt to intimidate the said board, or any member thereof, while engaged in the discharge of his or their official duties.

SEC. 16. If the board of registration strike from any register of voters any name which ought to be retained thereon, or refuse to enter on such register the name of any person entitled to be registered thereon, or enter upon such register the name of any person not entitled, every member of such board who knowingly and willfully concurs in so doing, shall be subject to a fine of not less than twenty nor more than one hundred dollars; but in prosecution against the board of registration, or any member thereof, under this act, it shall be presumed that the act or decision complained of, was done or made in good faith, unless the contrary be clearly proven.

SEC. 17. The board of registration after examining and correcting the registers of voters returned to them, as aforesaid, shall attach to each of said registers a certificate to the effect as follows:

Territory of Washington, }
County of King. } ss

The board of registration, of the city of Seattle, under their official oaths do certify that the foregoing register of voters of the — ward of said city has been examined, corrected and approved by said board, and that it contains a list of the qualified voters of said ward entitled to vote at the election to be held in said city, on the second Monday in July, in the year 18—, for city officers.

Witness our hands this — day of July, 18—.

A B,
C D,
E F.

Board of registration of the city of Seattle.

Attest, G H, clerk of board of registration.

And shall cause said lists to be printed in some newspaper of general circulation within the city. The registers shall then be delivered to the clerk of said city, who shall deliver the same to the inspector and officers of election of the respective wards to which said register belongs, on the morning of the election for city officers previous to the opening of the polls, and it shall be the duty of the officers conducting the election in each ward of the city to permit all persons to vote therein, whose names are on the register of voters of such ward, unless since such registration he has forfeited his right to vote therein, by removal from said ward or otherwise, and to reject the votes of all persons whose names are not thereon. If any such officer knowingly permit any person to vote, whose name is not registered as required by this act, at said city election, he shall be guilty of a misdemeanor and shall be fined in any sum not less than fifty nor more than one hundred dol-

lars. It shall also be the duty of such officers to return the register of votes in his ward, with the election returns of said ward, under a penalty, in case of failure, of not less than twenty, nor more than one hundred dollars.

SEC. 18. Any person who shall knowingly vote at any city election without having been registered as required by this act, or who shall by false or fraudulent representations procure the registration of himself or another, contrary to law, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty, nor more than one hundred dollars.

SEC. 19. Any person who shall unlawfully change, alter or destroy any register of voters or tear down, alter or deface any notice posted by the registrar, or other person, under the provision of this act, shall be guilty of a misdemeanor, and on conviction thereof, be fined in not less than fifty, nor more than one hundred dollars.

SEC. 20. Any person who shall threaten, disturb, obstruct, or intimidate the registrar or board of registration, or a member of such board, in the discharge of his or their duties, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty, nor more than one hundred dollars.

SEC. 21. Any person who shall knowingly swear falsely before the registrar, board of registration, or the clerk thereof, shall be guilty of perjury, and may be convicted thereof, in any court having jurisdiction of the offense.

SEC. 22. All prosecutions under this act, for the violation thereof, shall be in the name of the Territory of Washington, but all fines recovered thereunder, shall inure to the benefit of the city of Seattle.

SEC. 23. The clerk of the board of registration, the president of said board, or any member of said board, or the registrar, are hereby empowered to administer any oath required by this act, or necessary in the discharge of their duties under this act, and the same, when so administered shall be as binding in all respects as when administered by any other officer authorized to administer oaths in this territory.

SEC. 24. Each member of the board of registration, shall receive for his services under this act, the sum of fifteen dollars and no more. The registrar, for his services, shall receive the sum of fifteen dollars compensation as clerk of said board, and in addition thereto, such other as may be awarded by the city council for his services as registrar, not exceeding five cents for each registered voter. The compensation herein provided for, shall be paid out of the general fund of the city of Seattle. Each member of the board of registration and the registrar, shall, before entering upon the discharge of their duties, take and subscribe an oath, faithfully and impartially to discharge the same according to law. Such oaths shall be filed with the clerk of said city.

SEC. 25. This act to take effect from and after its passage and approval by the governor.

Approved November 25, 1883.

AN ACT

TO CREATE THE OFFICE OF PORT WARDEN FOR THE PORT OF PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a port warden shall be appointed by the governor for the port of Port Townsend, who shall enter upon the duties of his office, on or before the twentieth day after his appointment, and shall hold his office for the term of two years, or until his successor is appointed and qualified, and shall execute, at the time of taking his oath of office, a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be approved by the secretary of the territory, conditioned upon the faithful performance of his duties, and file the same with the secretary of the territory.

SEC. 2. The port warden, when required by any person interested in either vessel or cargo, must survey any vessel, wrecked, stranded, or arriving in distress, or which has sustained damage or injury at sea, and survey in whole or in part the cargo thereof; and must survey the hatches, storage and cargo of all vessels laden with general or assorted merchandise belonging or consigned to various parties.

SEC. 3. He must keep in a book provided for such purpose, a record of all surveys, signed by the warden making the survey, at all times open, for inspection by any person interested in the vessel or cargo surveyed, of which all persons requiring them, must be furnished with copies certified under the hand and seal of the warden, on payment of the fee thereof.

SEC. 4. In all survey made by a port warden, he must set forth clearly and fully the nature of the damage. If of merchandise, whether from actual contact with sea water, or through the excess of water in the hold of the vessel, or from the humidity or sweat of the hold, bad stowage, or from such other cause by which in his judgment the damage has been occasioned. If the survey is of a damaged vessel, he must give a full account of all the loss and injury which she has sustained, and recommend the repairs. He must state the value of the vessel in her damaged condition, and also the value of the repairs recommended; setting forth what parts are to be supplied anew, and what parts to be put in repair.

SEC. 5. Whenever a port warden deems it necessary, he may call to his assistance on a survey, a ship carpenter, rigger, sail maker, or other person practically acquainted with the merchandise to be surveyed, or the parts of the vessel to be repaired, who must be sworn to examine property, and to render with the warden a correct and faithful report of the surveys. No additional charge must be made therefor to the vessel, unless their survey is required by the owner or agent thereof.

SEC. 6. All wrecked, or damaged vessels, or material saved from

the same, and all merchandise sold at public auction for account of underwriters residing abroad, when required by the underwriters, their agents, or any party having an interest in the same, or for account of whom it may concern, or upon which claims are to be made against underwriters residing abroad, must be sold under the inspection of the warden, and the warden must separate sound goods from those damaged and certify specially the nature, and as far as can be done, the extent of such damage. The port warden has no authority to sell or dispose of any property that may have been surveyed by him, without the consent of the owner or agent of the same, nor when the settlement of losses has been agreed upon in writing by the parties interested, and a copy thereof given to the warden.

SEC. 7. In case sales are made at auction under the direction of the port warden, he must give at least three day's notice of the same, by publication in some newspaper published in the county, or by posting notices at the place where the sale is to be made, describing the articles to be sold, and if merchandise, the vessel by which imported, and if a wrecked or damaged vessel, or materials of the same, the name of the vessel, and where from.

SEC. 8. The port warden must not, either directly, or indirectly, have any connection with insurers of this territory, or of any of the states or territories, or of foreign countries, or with the agents or representatives of such insurers, so far as his duties of port warden are concerned. He must not, in any manner be interested, directly or indirectly, in any repairs he may recommend, nor any vessel, cargo, or portion of cargo he may be required to survey.

SEC. 9. For each and every survey, the port warden is entitled to twenty dollars, to be paid by the owners, masters or consignees, the amount not to exceed, altogether, for any one vessel, the sum of one hundred dollars. For all separate certificates of surveys, required by different consignees, he is entitled to a fee of two dollars and fifty cents, and for each order of sale, ten dollars, and necessary expenses incurred in advertising, telegraphing, or traveling, which accounts shall be itemized, and sworn to.

SEC. 10. Any other person than a port warden appointed according to law, who performs any of the duties of such officer, prescribed in this article, is liable to a penalty of not less than five hundred dollars, nor more than one thousand dollars for such offense, to be recovered in any court of competent jurisdiction by the warden in the name of the people of the territory: *Provided*, That if at any time the port warden be absent from the Territory, or unable to perform his duties, then this section shall not apply.

SEC. 11. This act to take effect and be in force from and after its approval.

Approved November 23, 1883.

AN ACT

TO AUTHORIZE THE BOARD OF COMMISSIONERS OF KING COUNTY TO BUILD A COURT HOUSE AND JAIL IN SAID COUNTY, AND TO PROVIDE FUNDS THEREFOR.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of commissioners of King county be, and they are hereby, authorized and empowered to purchase the necessary grounds in the city of Seattle, and to build and construct thereon a suitable building for a court house and jail for said county.

SEC. 2. The foundation of said building shall be built of stone, the walls and partitions shall be constructed of brick, the roof shall be covered with tin or slate, and the several offices shall be provided with fire-proof vaults, sufficient for the preservation of the county books, papers and records. Such building shall cost, when completed, exclusive of the costs of the grounds, not exceeding the sum of seventy-five thousand dollars.

SEC. 3. For the purpose of providing funds for the purchase of the necessary grounds and the construction of said building and for the furnishing of the same, the said board of commissioners are authorized to bargain, sell and convey the grounds and buildings thereon now occupied by the county, to-wit: Lots 1, 4 and 5, in block 38 of C. D. Boren's addition to Seattle; and are further authorized and empowered to levy an annual tax of not exceeding two mills on the dollar, upon all the taxable property in King county, for the years 1884, 1885, 1886, 1887, 1888 and 1889; such taxes shall be levied at the same time that territorial and county taxes are levied, and shall be collected in the same manner as other county taxes are collected; and the proceeds of the sale of said lots aforesaid, and of said taxes, shall constitute a fund to be known as the "court house fund," and all such taxes levied therefor shall be called the "court house tax."

SEC. 4. The whole cost and expense of purchasing such grounds and building said house and jail, including all payments of interest, shall be paid from said court house fund by county warrants, to be known as "court house warrants," and drawn upon said "court house fund."

SEC. 5. In order to procure the money required from time to time, for the purposes herein aforesaid, the said board of commissioners may, in their discretion, order issued "court house warrants" on the "court house fund," for such sum or sums as they deem best, and payable at a time or times to be stated in such warrants, not exceeding six years from the dates thereof, with ten per cent. interest from date; such interest shall be payable annually at the office of the county treasurer, and for which interest coupon warrants may be attached to and issued with such warrants.

SEC. 6. The board may, from time to time, in their discretion, dispose of said "court house warrants" in such sums as they deem best,

to such person or persons as will pay the highest price therefor, and to that end may advertise for sealed proposals for the whole or any part thereof, to be paid for and bear interest from the delivery of the same to the party or parties purchasing such warrants.

SEC. 7. Said board are authorized and empowered to enter into contracts in the name of the county, with such person or persons, firm or firms or corporations as they deem best for the furnishing of plans, superintending the work and constructing such building, as well as for the purchase of and preparation of the grounds. Such contracts shall only be made upon the order of the board, entered of record among their proceedings; and the board may also require employes and contractors to execute bonds with proper sureties to their approval for the due performance of their contracts.

SEC. 8. In case the levies provided in section three of this act shall not be sufficient to pay the principal and interest of said "court house warrants," at the expiration of the time said warrants are due and payable, the board be, and are, authorized to levy a tax sufficient to pay the same upon the taxable property of the county, such tax to be levied and collected as other county taxes.

SEC. 9. All contracts, herein provided for, shall be signed by the chairman of the board of commissioners for and on behalf of the county, and all court house warrants shall be signed by such chairman and countersigned by the county auditor, under the seal of the board.

SEC. 10. This act shall take effect and be in force from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

TO AUTHORIZE THE BOARD OF SCHOOL DIRECTORS OF SCHOOL DISTRICT NUMBER SIX OF CLARKE COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY TO PAY THE OUTSTANDING INDEBTEDNESS OF SAID SCHOOL INCURRED IN BUILDING A DISTRICT SCHOOL HOUSE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of school directors of school district number six (6) of Clarke county, Washington Territory, be, and they are hereby, authorized and empowered, in the name of said school district, to borrow any sum of money not exceeding twenty-two thousand dollars, upon which they may pay any rate of interest not more than ten (10) per cent. per annum, to be used and apportioned by said board of school directors for the purpose of paying the outstanding indebtedness against said school district incurred in the erection of the public school house in the said school district.

SEC. 2. That the said board of school directors, for the purpose of carrying the provisions of this act into effect, shall have power, and

they are hereby authorized, in the name of said school district, to issue twenty-two thousand dollars in bonds, in denominations of not less than one hundred dollars, to bear interest as in this act provided, payable in ten years from the date thereof: *Provided*, That said bonds may be redeemed or refunded by said board of school directors at any time after the expiration of five years from their date.

SEC. 3. That the said board of school directors be, and they are hereby authorized, empowered and directed to levy and assess a direct special school tax annually hereafter on all the taxable property in said school district as assessed and returned by the assessor of the county of Clarke for county and territorial purposes, sufficient to pay the annual interest on said bonds and ten (10) per cent. of the principal thereof, until said bonds shall have been fully paid; and to certify said special tax so levied and assessed to the county auditor of the said county of Clarke, which tax shall be a lien upon, and be collected out of, and from the taxable property of said school district, within the same time and in the same manner as other special taxes are collected under existing laws of this territory.

SEC. 4. The county treasurer of the county of Clarke, shall be entitled to one per cent. for receiving, and one per cent. for disbursing the special taxes in this act mentioned, and no other or greater compensation shall be allowed for such services.

SEC. 5. This act to take effect and be in force from and after its passage and approval by the governor.

Approved November 13, 1883.

AN ACT

TO APPROPRIATE MONEY FOR STORAGE AND CARE OF TERRITORIAL ARMS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the sum of one hundred and seventy-seven dollars, or so much thereof as may be necessary, is hereby appropriated to pay Paine Brothers for the storage, expense on and repairs of territorial arms.

SEC. 2. The territorial auditor is hereby directed to draw a warrant in favor of the said Paine Brothers for the said sum of \$177, and the territorial treasurer is directed to pay the same out of any money in the territorial treasury not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved November 23, 1883.

AN ACT

TO REGULATE THE WALLA WALLA FIRE DEPARTMENT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* The fire department of the city of Walla Walla shall consist of a chief engineer and first and second assistant engineers, a president, a secretary, a treasurer and a board of delegates elected by the several fire, and hook and ladder companies of said city as hereinafter provided.

SEC. 2. There shall be elected on the first Monday in October, and, annually, thereafter from each of the fire, and hook and ladder companies of the city, one member to the board of fire delegates for each thirty (30) members or fractional part thereof: *Provided*, That any company, which from any cause whatsoever may lack their proper number of delegates, shall at the first regular meeting thereof proceed to elect such delegate or delegates, to fill such vacancy for the unexpired term of one year. All delegates, before entering upon the discharge of the duties of their offices, shall take and subscribe an oath to well and truly perform the duties of fire delegates, said delegates shall hold their office for one year, or until their successors are elected and qualified. The board of fire delegates thus elected shall assemble on the third Monday of each month, and at their first meeting shall proceed to elect a president, a secretary and a treasurer, whose term of office shall be for one year, or until their successors are elected and qualified. The president shall be elected from the delegates, and the secretary and treasurer from the fire department at large. In all business relating to the fire department the president and the secretary shall be empowered to administer oaths and affirmations.

SEC. 3. The board of delegates shall make all laws and rules for the government of the fire department; any violation thereof, or any disobedience of any lawful order of the chief or assistant engineer shall be tried by the board of fire delegates, and the parties found guilty shall be punished by being censured, suspended, removed from office or expelled from the department as a majority of the board of delegates shall adjudge.

SEC. 4. Contested elections for chief or assistant engineers shall be decided by a majority of the board of delegates and if a tie should occur for either of said offices, the board of delegates shall by a majority vote determine who shall fill such office for the ensuing term.

SEC. 5. The chief and assistant engineers, before entering upon the duties of their offices, shall each take and subscribe an oath or affirmation to faithfully perform the duties of their said offices, and thereupon they shall be entitled to certificates of office, signed by the president and secretary of the fire department, and shall enter upon the discharge of their duties the third Monday of October, thereafter.

SEC. 6. The chief and assistant engineer shall hold their office for one year, or until their successors are appointed and qualified; and when

a vacancy occurs in the office of chief engineer, the first assistant engineer shall act as chief engineer until the next regular election for chief engineer. The second assistant engineer shall thereupon become first assistant engineer, and the board of delegates may, if they see proper, appoint a second assistant engineer to act as such until the next general election.

SEC. 7. There shall be elected, annually, on the first Monday of October, a chief engineer and a first and a second assistant engineer; said election shall be called by the president of the board of delegates by giving ten days' notice thereof, in the official paper of the city. The board of delegates shall appoint three judges to conduct said election, each from a different company who, before entering upon the discharge of their duties, shall take and subscribe an oath to faithfully discharge their duties as said judges; said election shall be held at such place as the board of delegates shall designate, and the polls shall be kept open from 10 o'clock A. M., to 4 o'clock P. M. The voting shall be by ballot, and immediately upon closing the polls the votes shall be publicly counted and the returns of the election, duly certified by the judges, shall be delivered to the clerk of the fire department and shall by him be delivered to the board of delegates, who shall convene within ten days after said election and declare the result.

SEC. 8. No person shall be allowed to vote at any election for chief or assistant engineer unless he shall have been a member of the fire department sixty days next preceding such election and in good standing in the company, and shall be over the age of twenty-one years, and no person shall be eligible to any office in the fire department without possessing the qualifications of a voter herein defined.

SEC. 9. The chief engineer shall report to the common council of the city, on the first Tuesday in July, and the first Tuesday in January, of each year, the number and condition of the cisterns and water supply, and the condition of the fire apparatus, the company houses and all property in the city in keeping of the fire department and all accidents by fire during the year, and the cause thereof, and shall make such recommendations as he may consider proper for rendering the department more efficient.

SEC. 10. Each fire company, and hook and ladder company shall be composed of not less than twenty (20) nor more than sixty (60) members: *Provided however*, That any fire company having charge of two engines and two sets of hose, carts or carriages shall be entitled to one hundred (100) men, each of whom must be duly registered members of the department.

SEC. 11. At the annual meeting of each company on the first Monday of October, of each year, they shall elect a foreman, first and second assistant foreman, and one delegate for each thirty (30) members or fractional part thereof, as provided in section number two (2) of this act, and also a president, a secretary and a treasurer for said company, and such other officers as are provided by their constitution, who shall hold their offices for one year or until their successors are elected and qualified.

SEC. 12. Each company shall have power to adopt a constitution and rules for their government not inconsistent with the city ordinances or the rules of the fire department.

SEC. 13. Each company shall, annually, ten days prior to the election of chief and assistant engineers, file with the clerk of the board of fire delegates, a copy of their constitution and a list of the members composing said company, who have been such for two months prior thereto, which list shall be duly verified by the president of said company, to the effect that each of said persons on said list are and have been members of said company for two months prior thereto and that they are of the age of twenty-one years or over, and the persons so designated on said lists shall be entitled to vote at said elections.

SEC. 14. A company desiring admission into the fire department must make application to the board of delegates, accompanying such application with a copy of their constitution, signed by at least the number of persons required to constitute a company, of the age of twenty-one years or over, who shall be residents of the city, and also with the names of their officers and should the board by a majority vote recommend the admission of such company, they shall forward said application with their recommendation to the city council. If such recommendation shall meet the approval of the city council said company shall be admitted into the fire department.

SEC. 15. Any person who shall have served as an active fireman for the period of seven consecutive years shall be entitled to receive a certificate as an exempt fireman.

SEC. 16. In the event of two fire or hook and ladder companies having their engines or apparatus in the same building, it shall be the duty of the chief engineer to appoint a suitable person to act as steward for such companies subject to the approval of the board of delegates: *Provided however*, That each company separately housed be and is hereby empowered to elect its own steward and other officers without control of the chief engineer or the board of fire delegates.

SEC. 17. The board of fire delegates elected under the provision of ordinance number 66 and now in office, are hereby continued in office as such delegates until the general election provided for in this act, any provision to the contrary notwithstanding.

SEC. 18. All acts and parts of acts so far as the same conflict with the provisions of this act are hereby repealed.

SEC. 19. This act shall be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

FOR THE RELIEF OF SAMUEL NIXON.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Samuel Nixon, employed by the governor

as messenger since the 26th day of October, 1883, be, and he is hereby, entitled to pay at the rate of four dollars per day from that date until the adjournment of the present session of the legislative assembly.

SEC. 2. That upon the termination of said employment, the governor shall make out and sign a certificate of the number of days said Samuel Nixon has been employed, and of the pay to which he is entitled.

SEC. 3. That upon the presentation of such certificate, the territorial auditor be, and is hereby, authorized to draw a warrant on the territorial treasurer in favor of the person holding a certificate of service as above provided, which said warrant shall be paid out of any money in the territorial treasury not otherwise appropriated.

SEC. 4. This act to take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

ENTITLED AN ACT TO AUTHORIZE A MAJORITY OF THE SCHOOL DIRECTORS OF SCHOOL DISTRICT NUMBER ONE (1), IN WHITMAN COUNTY, TO MORTGAGE CERTAIN REAL ESTATE BELONGING TO SAID DISTRICT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That a majority of the directors of school district number one (1), in Whitman county, Washington Territory, be, and are hereby, authorized as such directors of said school district, to duly make, execute and deliver to James A. Perkins, of said Whitman county, Washington Territory, a good and sufficient mortgage on lots three (3), four (4), five (5) and six (6), in block thirty-three (33), in the city of Colfax, Whitman county, Washington Territory, according to the recorded plat of said city of Colfax in the auditor's office of said Whitman county, Washington Territory, to secure to said James A. Perkins the payment of a certain promissory note signed by the said school directors of said school district number one (1), and dated January, 1883, for the sum of fifteen hundred dollars, with interest thereon at the rate of one and a half per cent. per month from date until paid, said note providing for a reasonable attorney's fee in case said suit or actions should be instituted to collect said note or any portion thereof, and payable to the said James A. Perkins, or order, one year after date, for value received.

SEC. 2. This act shall take effect and be in force from and after its passage and approval.

Approved November 26, 1883.

AN ACT

TO REPEAL AN ACT ENTITLED AN ACT "TO PROVIDE AGAINST THE SPREAD OF INFECTIOUS OR CONTAGIOUS DISEASES, AND IN RELATION TO QUARANTINE OF VESSELS IN PACIFIC COUNTY."

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That an act entitled an act "to provide against the spread of infectious or contagious diseases, and in relation to quarantine of vessels in Pacific county," approved November 5, 1881, be, and the same is, hereby repealed.

SEC. 2. This act to take effect and be in force from and after its approval by the governor.

Approved November 24, 1883.

AN ACT

FIXING THE MILEAGE FEE OF THE SHERIFF OF WHATCOM COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sheriff of Whatcom county shall receive for every mile actually and necessarily traveled in the service of any summons, complaint, writ or other process, fifteen cents per mile.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved November 24, 1883.

AN ACT

TO PAY THOMAS M. REED FOR MONEY DISBURSED FOR THE TERRITORY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of fourteen dollars and twenty-five cents be, and the same is hereby appropriated, to pay Thomas M. Reed, for payment of bills.

SEC. 2. The territorial auditor is hereby directed to draw a warrant on the territorial treasurer, in favor of Thomas M. Reed, for the above amount.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved November 27, 1883.

AN ACT

TO APPROPRIATE MONEY TO PAY FOR INDEXING THE SESSION LAWS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of fifty dollars be, and the same is, hereby appropriated out of the territorial treasury to pay for the labor necessarily done or procured by the secretary of the territory in indexing the session laws of the ninth biennial session of the legislative assembly of the Territory of Washington.

SEC. 2. On presentation to the territorial auditor of a certificate of the secretary of the territory that the said laws have been indexed, he shall draw his warrant on the territorial treasury for the sum of fifty dollars in favor of said secretary, and the territorial treasurer shall pay said warrant on presentation out of any money in the treasury not otherwise appropriated.

SEC. 3. This act shall take effect from and after its passage.

Approved November 28, 1883.

AN ACT

FOR THE RELIEF OF TACOMA LODGE LIBRARY ASSOCIATION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of twenty-two and fifty one hundredths dollars be, and the same is hereby, appropriated out of any moneys not otherwise appropriated, for the payment of Tacoma Lodge Library Association for the use of their rooms for committee purposes during the ninth biennial session of the territorial legislature.

SEC. 2. The territorial auditor is hereby authorized to draw a warrant for the sum of \$22.50 on the territorial treasurer in favor of said Tacoma Lodge Library Association, and the territorial treasurer is hereby directed to pay the same.

SEC. 3. This act to take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

FIXING THE COMPENSATION OF AUDITOR OF STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That from and after the passage of this act

the county auditor of Stevens county shall receive for his services as such auditor a salary of five hundred dollars per annum, to be paid quarterly out of the county treasury, which said salary shall be in lieu of all fees and allowances now allowed by law to said officer for his services as auditor and recorder of deeds.

SEC. 2. It shall be the duty of said auditor to charge and collect all fees, now allowed by law for his services as such auditor and recorder, excepting fees and allowances payable by the county, and to report the same to the county commissioners quarterly, who shall order the amount thereof to be deducted from his quarterly salary.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act to take effect from and after its passage and approval by the governor.

Approved November 26, 1883.

AN ACT

TO AMEND AN ACT ENTITLED AN "ACT TO ESTABLISH AN INSTITUTION OF LEARNING IN WALLA WALLA COUNTY," PASSED DECEMBER 20, 1859.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the above named act to establish an institution of learning in Walla Walla county, passed December 20, 1859, be and the same is hereby so amended that section first shall read as follows: That there shall be established in Walla Walla county an institution of learning for the instruction of both sexes in literature, science and art, to be called Whitman College; and that Elkanah Walker, George H. Atkinson, Elisha S. Tanner, Erastus S. Joslyn, W. A. Tenny, H. H. Spaulding, John C. Smith, James Craigie and Cushing Eells and their successors are hereby declared to be a body politic and corporate in law, by the name and style of the Board of Trustees of Whitman College.

SEC. 2. That section second of said act shall be amended so as to read as follows: That the corporation before named shall have perpetual succession, and shall have power to acquire by purchase, donation, devise or otherwise, and possess and hold property, real, personal and mixed, and the same to sell, grant, convey, rent or otherwise dispose of at pleasure, and they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of justice, both at law and equity; they shall have and use a common seal, with power to alter it at pleasure, and they may exercise all the powers and enjoy all the privileges of other institutions of learning in this territory.

SEC. 3. That section third of said act shall be amended to read as follows: That the corporate concerns of said Whitman College shall be managed by the trustees themselves as a board, consisting of the nine members, and that a majority of the members of the board shall con-

stitute a quorum for the transaction of business; said trustees shall elect one of their number to be president of their board, and they shall have power to fill all vacancies in their body as there may from time to time occur, by resignation, expulsion, death or otherwise, and shall have power to make and put in force such by-laws and regulations as shall from time to time be deemed necessary for the government of said corporation.

SEC. 4. That section fourth of said act shall be amended to read as follows: That the board of trustees shall have the power of appointment and removal of the president of the college, professors, tutors, teachers and any other necessary agents and officers, and may fix the compensation of each, and may make such by-laws for the government of the institution as they may deem necessary, and shall have power to confer, on the recommendation of the faculty, all such degrees and honors as are conferred by colleges and universities of the United States, and such others (having reference to the course of study and the attainments of the applicants) as they may deem proper. That the president and professors of the institution shall constitute the faculty of said college, and shall have power to arrange the course of study and to take proper measures to enforce the rules and regulations enacted by the board of trustees for the government and discipline of the students, and to suspend and expel offenders as may be deemed necessary.

SEC. 5. That section fifth shall be amended so as to read as follows: That all deeds and instruments of conveyance shall be made by order of the board of trustees, sealed with the seal of the corporation, signed by the president and secretary of the board, and by them acknowledged in their official capacity in order to insure the validity of said deeds and instruments.

SEC. 6. That section sixth of said act be amended to read as follows: That the property of said board of trustees of Whitman College, including all income and proceeds shall be used exclusively for the purposes of education, and in consideration of said use, said property, income and proceeds shall not be subject to taxation.

SEC. 7. This act shall take effect and be in force from and after its passage and approval.

Approved November 28, 1883.

AN ACT

TO ENABLE OLYMPIA SCHOOL DISTRICT TO BORROW MONEY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That when Olympia school district shall become indebted in an amount greater than can be provided for and paid for out of the entire income of said school district for the current year, the board of school directors of such district may, if it so elects, borrow

money upon the credit of the district sufficient to pay such indebtedness not exceeding the sum of fifteen thousand dollars.

SEC. 2. All money borrowed, pursuant to the provisions of this act, shall be payable in annual installments, the rate of interest paid thereon must not exceed ten per cent. per annum.

SEC. 3. When any money shall be borrowed by any school district, pursuant to the provisions of this act, the board of school directors of such district shall annually reserve and set apart sufficient of the income of such school district to pay the interest, and each instalment of principal of such loan as the same shall become due.

SEC. 4. This act shall take effect and be in force, from and after its passage.

Approved Nov. 28, 1883.

AN ACT

IN RELATION TO FEES OF PROBATE JUDGE OF WALLA WALLA COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the probate judge of Walla Walla county shall be paid out of the county treasury of said county an annual salary of [\$1,000] one thousand dollars, to be paid quarterly, in lieu of all fees allowed by law, except as hereinafter provided.

SEC. 2. That the probate judge of said county be, and he is, hereby authorized to collect the sum of one dollar for recording each marriage certificate, and twenty-five cents per folio of 100 words for all copies of probate records, and the files thereof, and one dollar for each certificate under seal.

SEC. 3. All acts and parts of acts, in conflict with this act, be and are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage and approval by the governor.

Approved October 29, 1883.

AN ACT

TO ENABLE THE BOARD OF SCHOOL DIRECTORS OF SCHOOL DISTRICT NUMBER FIFTY-THREE OF CLARKE COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY TO PAY THE OUTSTANDING INDEBTEDNESS OF SAID SCHOOL DISTRICT AND TO COMPLETE THE PUBLIC SCHOOL HOUSE THEREIN.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of school directors of school district numbered fifty-three (53) of Clarke county, Washington Territory, be and they are hereby empowered, in the name of said school district, to

borrow any sum of money, not exceeding six hundred dollars, upon which they may pay interest not exceeding ten per centum per annum to be used by said board of school directors for the purpose of paying the outstanding indebtedness against said school district incurred in the erection of the school-house therein, and to complete and furnish the same.

SEC. 2. That said board of school directors for the purpose of carrying the provisions of this act into effect, shall have power and they are hereby authorized in the name of said school district to issue six hundred dollars in bonds in denominations of not less than one hundred dollars each, to bear interest as in this act provided; payable in ten years from the date thereof: *Provided*, The said bonds may be redeemed or refunded by said board of school directors at any time after the expiration of five years from their date.

SEC. 3. That said board of school directors be and they are hereby authorized, and empowered to levy and assess a direct special school tax annually hereafter on all the taxable property in said school district as assessed, and returned annually by the assessor of the county of Clarke for county and territorial purposes sufficient to pay the annual interest on the said bonds, and ten per cent. of the principal thereof, until said bonds shall have been fully paid; and certify said special tax so levied and assessed to the county auditor of the said county of Clarke; which tax shall be a lien upon, and shall be collected out of and from the taxable property of said school district within the same time and in the same manner as other special school taxes are collected under existing laws of this Territory.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved November 28, 1883.

AN ACT

FIXING THE COMPENSATION OF THE TREASURER OF WHITMAN COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county treasurer of Whitman county shall receive for his services as such treasurer an annual salary of twelve hundred dollars, to be paid out of the county treasury, quarterly.

SEC. 2. Such salary shall be in lieu of all fees and percentage, now allowed by law for the compensation of the county treasurer of said county.

SEC. 3. All acts and parts of acts, in conflict with this act so far as the same refer to the treasurer of the aforesaid county, are hereby repealed.

SEC. 4. This act to take effect and be in force from and after the first Monday of January, 1885.

Approved November 27, 1883.

AN ACT

FIXING COMPENSATION OF TREASURER OF KING COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That from and after the passage of this act the county treasurer of King county shall receive for his services as such Treasurer, a salary of twenty-five hundred dollars [\$2,500] per annum, to be paid quarterly out of the county treasury.

SEC. 2. Said salary shall be in lieu of all fees and percentage now allowed by law for the compensation of county treasurer of said county.

SEC. 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, so far as the same shall apply to King county.

SEC. 4. This act to take effect from and after January 1, 1885.

Approved November 23, 1883.

AN ACT

FIXING THE COMPENSATION OF AUDITOR OF LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That from and after the passage of this act the county auditor of Lewis county shall receive for his services as such auditor a salary of thirteen hundred dollars per annum, to be paid quarterly out of the county treasury, which said salary shall be in lieu of all fees and allowances now allowed by law to said officer for his services as auditor and recorder of deeds.

SEC. 2. It shall be the duty of said auditor to charge and collect all fees now made by law for his services as such auditor and recorder, excepting fees and allowances payable by the county, and to report the same to the county commissioners quarterly, who shall order the amount thereof to be deducted from his quarterly salary.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved November 23, 1883.

AN ACT

FOR THE RELIEF OF J. W. HUTCHINSON.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of two hundred and two and

50-100 dollars, is hereby appropriated out of the territorial treasury not otherwise appropriated, to pay J. W. Hutchinson, for the keeping of Henry Alson, *alias* Wise and Charles Wilby, *alias* Dixon, two fugitives from justice.

SEC. 2. The territorial auditor is hereby authorized and instructed to draw a warrant on the territorial treasurer for the same, and the territorial treasurer is hereby authorized to pay the same, out of moneys not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the governor.

Approved November 28, 1883.

AN ACT

FIXING COMPENSATION OF THE TREASURER OF STEVENS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of Washington Territory:* That from and after the passage of this act, the county treasurer of Stevens county, shall receive for his services as such treasurer, a salary of four hundred dollars per annum, to be paid quarterly out of the county treasury.

SEC. 2. Said salary shall be in lieu of all fees and percentage now allowed by law, for the compensation of county treasurer of said county.

SEC. 3. All acts or part of acts in conflict with the provisions of this act, are hereby repealed.

SEC. 4. This act to take effect from and after its passage and approval by the governor.

Approved November 26, 1883.

AN ACT

IN RELATION TO BULLS RUNNING AT LARGE IN THE COUNTIES OF THURSTON AND LEWIS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the owners of bulls, be and they are hereby prohibited from permitting said bulls to run at large, within the said counties of Thurston and Lewis.

SEC. 2. Bulls running at large in said counties of Thurston and Lewis, shall be considered estrays, and any person discovering one or more of them so running at large, may take him or them up, and proceed with the management and disposition of the same, as provided by chapter CXCVI of the code of Washington.

SEC. 3. Personal service of notice, upon the owners of bulls, taken up under the provisions of this act, shall be considered sufficient notice of such taking, without publishing or posting the same.

SEC. 4. The provisos in sec. 2539 of the code of Washington, shall not apply to this act.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved November 23, 1883.

AN ACT

TO PROVIDE FOR THE REGISTRATION OF VOTERS IN THE CITIES OF WALLA WALLA AND COLFAX.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That no person shall vote at any municipal election, in the cities of Walla Walla and Colfax, who has not been duly registered by the clerks of said cities at least thirty days before the day of election.

SEC. 2. The city clerk, of the cities of Walla Walla and Colfax, shall keep a book in his office, to be entitled "city registry," in which all voters shall register their names and designate the ward in which they reside, at least thirty days before the annual election; and the said city clerk shall furnish the judges of election in each ward, with a list of the registered voters of such ward. This section shall not, however, be construed to require a voter once registered to register again, unless such voter may have changed his ward residence, or lost his residence.

SEC. 3. The mayor and council of the cities of Walla Walla and Colfax shall prescribe by ordinance the proper rules, regulations and penalties for the proper enforcement of this act.

SEC. 4. This act shall take effect and be in force from and after its approval.

Approved November 28, 1883.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF KING COUNTY TO APPROPRIATE MONEY FROM THE COUNTY FUND, FOR IMPROVING ROADS AND BRIDGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county commissioners of King county, shall have power, and they are hereby authorized to make appropriations from the general county fund, for the purpose of improving

public county roads, and building and repairing bridges, in any sum or sums not to exceed eight thousand dollars per annum.

SEC. 2. This act shall take effect, and be in force from and after its passage and approval by the governor.

Approved October 19, 1883.

AN ACT

COMPENSATING ELWOOD EVANS FOR CERTAIN SERVICES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of eighty dollars be, and the same is hereby appropriated, to pay Elwood Evans for compensation for professional services. Fifty dollars and mileage at ten cents per mile from New Tacoma to Victoria, thirty dollars, in the extradition of Dixon and Wise, two fugitives from justice, charged with robbery and assault with intent to murder.

SEC. 2. The territorial auditor is hereby authorized to draw his warrant upon the territorial treasurer for said sum of eighty dollars, which shall be paid out of any money in the territorial treasury, not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved November 2, 1883.

AN ACT

TO PAY FOR STORAGE OF TERRITORIAL ARMS.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of ninety-nine dollars and fifty cents is hereby appropriated out of any money in the territorial treasury not otherwise appropriated, for the payment of storage on territorial arms and equipments, from the first day of October 1881, to the first day of October 1883.

SEC. 2. The territorial auditor is hereby authorized to draw a warrant on the territorial treasurer, in favor of Alexander Farquhar, for the said sum of ninety-nine dollars and fifty cents, and the territorial treasurer, is hereby authorized to pay the same.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved November 23, 1883.

AN ACT

AUTHORIZING THE COUNTY COMMISSIONERS OF WHITMAN COUNTY TO REIMBURSE J. A. DAVIS AND DAVID MARSH IN THE SUM OF TWO HUNDRED AND FIFTY DOLLARS.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the county commissioners of Whitman county are hereby authorized, if they deem it just and expedient, to reimburse J. A. Davis, in the sum of one hundred and fifty dollars and David Marsh, in the sum of one hundred dollars, such sums being the amount paid by them as a reward for the capture of Henry Haiding, afterward convicted for horse stealing in said county.

SEC. 2. This act to take effect and be in force from and after its approval.

Approved Nov. 2, 1883.

 AN ACT

TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLARKE COUNTY, WASHINGTON TERRITORY, TO BORROW MONEY TO COMPLETE THE COURT HOUSE AND JAIL IN SAID COUNTY OF CLARKE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of county commissioners of Clarke county be, and the same are hereby, authorized and empowered in the name of said county, to borrow, in addition to the amount mentioned in the special act of the legislative assembly of the territory of Washington, approved Nov. 26, 1881, entitled "An act authorizing the county commissioners of Clarke county, Washington Territory, to borrow money to build a court house and jail," any sum of money not exceeding fifteen thousand dollars, upon which interest, not greater than eight per cent. per annum, may be paid, to be used by said board of county commissioners, for the purpose of completing the court house, now in course of construction, and to place a sufficient number of cells for the confinement of county and other prisoners in the jail in said court house, and to properly furnish and warm the said court house and jail.

SEC. 2. The said board of county commissioners shall, for the purpose of carrying the provisions of this act into effect, have power, and they are hereby authorized and empowered in the name of said county, to issue fifteen thousand dollars in bonds, in denominations of not less than five hundred dollars each, to bear interest as in this act provided, payable in fifteen years from the date thereof: *Provided*, Said bonds

may be redeemed by said county of Clarke, at any time after five years from this date.

SEC. 3. The said board of county commissioners are hereby authorized to levy and collect, annually, at the same time, and in the same manner as they levy and collect taxes for general territorial and county purposes, a special tax on all the taxable property of the said county of Clarke, sufficient to pay the interest on said bonds by this act authorized to be issued, and after five years from the date of such bonds, they shall annually, in like manner, levy and collect a special tax sufficient to pay all accrued interest on said bonds, and ten per cent. of the principal thereof, until the whole amount of said bonds and the interest thereon shall have been paid and discharged.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved Nov. 13, 1883.

AN ACT

TO AUTHORIZE THE EMPLOYMENT AND PAYMENT OF CLERKS FOR THE PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the enrolling committees of the two houses are hereby authorized to employ such number of enrolling clerks as they shall deem necessary, not exceeding six in number, and the chief clerk of each house is hereby authorized to employ a journal clerk each, said clerks to serve during the remainder of the legislative assembly, and no longer, and to receive pay at the rate of five dollars per day each: *Provided,* That the president of the council and speaker of the house appoint said clerks, which appointment shall be approved by the council and house.

SEC. 2. The territorial auditor is hereby directed to draw warrants on the territorial treasurer, in payment of such services, upon the presentation of proper certificates, in favor of the person presenting such certificate and the territorial treasurer is hereby directed to pay such warrants out of any funds not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its passage and approval.

Approved Nov. 25, 1883.

AN ACT

FOR THE RELIEF OF JAMES H. WOOLERY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of one hundred and twelve dol-

lars and sixty cents be, and the same is hereby, appropriated out of the territorial treasury, not otherwise appropriated, to pay James H. Woolery for expenses incurred in the extradition of Dixon and Wise, two fugitives, from justice.

SEC. 2. The territorial auditor is hereby authorized and instructed to draw his warrant on the territorial treasurer, and the territorial treasurer is hereby authorized to pay the same out of any money not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its approval.

Approved Nov. 28, 1883.

AN ACT

TO AUTHORIZE THE EMPLOYMENT AND PAYMENT OF ADDITIONAL CLERKS FOR THE PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the president of the council and speaker of the house be authorized to appoint such additional clerks as may be required to perform the clerical work, which appointments shall be confirmed by the council and house. Said clerks to serve during the remainder of the legislative assembly and no longer, and to receive pay at the rate of five dollars per day each.

SEC. 2. The territorial auditor is hereby directed to draw warrants on the territorial treasurer, in payment of such services, upon the presentation of the proper certificates in favor of the persons presenting such certificate, and the territorial treasurer is hereby directed to pay such warrants out of any funds not otherwise appropriated.

SEC. 3. This act to take effect and be in force after its passage and approval.

Approved Nov. 28, 1883.

AN ACT

TO ENABLE SCHOOL DISTRICTS NO. 1, OF KING AND JEFFERSON COUNTIES, WASHINGTON TERRITORY, TO BORROW MONEY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of school directors of school districts number 1, in the counties of King and Jefferson, may, if they so elect, borrow money upon the credit of said school district, not to exceed the sum of twelve thousand dollars each.

SEC. 2. All money borrowed, pursuant to the provisions of this act, shall be payable in annual installments; the rate of interest paid thereon, must not exceed ten per cent. per annum.

SEC. 3. When any money shall have been borrowed, pursuant to

the provisions of this act, the boards of school directors of said school districts shall annually appropriate, reserve and set apart, sufficient of the income of said school districts, to pay the interest and each installment of principal on such loan as the same shall become due.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved November 28, 1883.

AN ACT

AUTHORIZING THE TERRITORIAL AUDITOR TO DRAW WARRANTS IN FAVOR OF CERTAIN EMPLOYEES OF THE PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the territorial auditor be, and is hereby, authorized to draw warrants on the territorial treasurer, in favor of John DeTiere, Wm. H. Hughes, John J. Calhoun, Luella McMillan, C. Kalahan and G. D. Keller for thirty days' pay, in accordance with an act passed November 1, 1883, entitled, "an act for the relief of certain employees of the present legislative assembly."

SEC. 2. That upon presentation to the territorial auditor, of a certificate signed by the chief clerk and countersigned by the president or speaker, respectively, of the body in which such person is employed, he shall draw a warrant on the territorial treasurer, in favor of any person holding such certificate of service, payable out of any money in the territorial treasury not otherwise appropriated.

SEC. 3. This act to take effect and be in force from and after its approval.

Approved Nov. 21, 1883.

AN ACT

TO EMPOWER THE COUNTY COMMISSIONERS OF CHEHALIS COUNTY TO BUILD BRIDGES AND CONSTRUCT ROADS IN SAID COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county commissioners of Chehalis county be, and they are hereby, empowered to build bridges and construct roads in said county, to be paid for as other county expenses are paid.

SEC. 2. The sum so expended by the county commissioners, shall not exceed the sum of five thousand dollars per year.

SEC. 3. This act to remain in force for the period of two years.

Approved November 23, 1883.

AN ACT

TO LOCATE TEMPORARILY THE COUNTY SEAT OF STEVENS COUNTY UNTIL THE NEXT GENERAL ELECTION.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county seat of said county of Stevens, now located at Colville, shall be temporarily located at the new town of Colville in said county, until the next general election, when the qualified electors of said county of Stevens shall vote, under the regulations of the election law, for the election of county officers for a permanent location of the county seat of said county. The place, having a majority of all the legal votes cast, shall be declared to be the permanent county seat of said county of Stevens.

SEC. 2. That the county commissioners of said county of Stevens, shall on or before the first Monday of January 1884, remove all the county records to the new town of Colville, and to provide at the said new town of Colville by lease, suitable buildings for county purposes.

SEC. 3. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved November 23, 1883.

AN ACT

AUTHORIZING THE COMMISSIONERS OF WHITMAN COUNTY TO PAY INTO THE TREASURY OF THE CITY OF COLFAX, ONE-HALF OF THE LIQUOR LICENSES COLLECTED IN SAID CITY.

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the county commissioners of Whitman county be and they are hereby empowered and authorized to pay into the treasury of the city of Colfax, one-half of all the liquor licenses collected in said city, after this date.

SEC. 2. This act to take effect and be in force from and after its passage and approval.

Approved November 23, 1883.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO COMPENSATION OF CERTAIN OFFICERS OF GARFIELD COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington: That an act entitled "an act in relation to compensation

of certain officers of Garfield county approved December 1, 1881, be and the same is hereby amended, so as to read as follows:

Section 1. Be it enacted by the Legislative Assembly of the Territory of Washington: That the officers of Garfield county shall receive for their services the following as hereinafter named, that is to say: The judge of probate shall receive in lieu of all fees, and in full compensation for his services, out of the county treasury, an annual salary of three hundred dollars, payable quarterly out of the county treasury; the treasurer shall receive in full compensation for his services, in lieu of commissions, an annual salary of five hundred dollars, payable quarterly, by warrant on the county treasurer; the auditor shall receive in full for services performed for the county, a salary of six hundred dollars, (but no other fees shall be paid by the county) and all fees allowed by law.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage and approval by the governor.

Approved November 26, 1883.

AN ACT

TO AMEND AN ACT IN RELATION TO ROADS AND HIGHWAYS IN THE COUNTY OF JEFFERSON, APPROVED NOVEMBER 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section 1 of an act entitled an act in relation to roads and highways in the county of Jefferson, approved November 9, 1877, be and the same is hereby amended to read as follows: That the legal voters in each road district in the county of Jefferson shall on the first Saturday in January, in each year, elect a supervisor of roads in and for said road district for the term, who shall be a resident of such district and a qualified voter: *Providing*, That if any district shall fail to elect on said day, the commissioners of said county shall at their regular meeting in February appoint a suitable person residing in such district as road supervisor thereof.

SEC. 2. That a notice of the hour and place of such election shall be given by the supervisor in each district at least 6 days previous to said 1st Saturday in January, by posting not less than three written notices in said district: *Providing*, That if there be no supervisor residing in the district such notice may be given by three legal voters of such district.

SEC. 3. All acts or parts of acts in conflict with this act be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its approval.

Approved November 26, 1883.

AN ACT

FOR THE RELIEF OF CERTAIN EMPLOYES OF THE PRESENT LEGISLATIVE ASSEMBLY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the following named persons who have been employed by the present legislative assembly are entitled to pay as follows: That is to say John DeTiere, six dollars per day; Wm. H. Hughes, six dollars per day; John J. Calloun, five dollars per day; Luella McMillan, five dollars per day; C. Callahan, five dollars per day; G. D. Keller, five dollars per day.

SEC. 2. That upon the termination of the said employment of any of said persons, the chief clerk of the body to which said employe belongs shall make out and sign a certificate of the number of days such persons shall have been in attendance thereon and of the pay to which he or she is entitled thereunder, which certificate shall be countersigned by the president or speaker, respectively, of the body in which such person is employed.

SEC. 3. That upon the presentation of such certificate, the territorial auditor be, and is hereby authorized to draw a warrant on the territorial treasurer, in favor of any person holding a certificate of service as above provided, which said warrant shall be paid out of any money in the territorial treasury not otherwise appropriated.

SEC. 4. This act to take effect and be in force from and after its passage and approval.

Approved November 21, 1883.

AN ACT

AUTHORIZING QUIMPER MANUFACTURING COMPANY TO BUILD A WHARF AT PORT TOWNSEND.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That Quimper manufacturing company, incorporated under the laws of Washington Territory, be and it is hereby authorized to construct a wharf at Port Townsend city, Jefferson county, W. T., at the foot or southerly terminus of Monroe street in said city, commencing above high water mark and extending southerly to a point where there shall be twenty feet at low tide, and said wharf may have a T or an L at its southerly end upon which to erect warehouses or other necessary buildings.

SEC. 2. That said company or their successors or assigns shall be entitled to receive such rates of wharfage as shall be fixed according to existing law.

SEC. 3. This act to take effect and be in force from and after its approval.

Approved November 13, 1883.

AN ACT

TO AMEND AN ACT IN RELATION TO THE ELECTION OF COUNTY COMMISSIONERS, AND DEFINING THEIR DUTIES IN THE COUNTIES OF CLARKE, THURSTON, KLIICKITAT, YAKIMA, KITSAP AND WALLA WALLA, APPROVED NOV. 9, 1877.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That section seven of said act shall be amended so as to read as follows: That no more than one county commissioner be elected, at any general election, in any one commissioner district: *Provided,* That this act shall apply to the counties of Clarke, Thurston, Yakima, Walla Walla, Kitsap, Chehalis, Klickitat, Lewis, Whitman, Spokane and Columbia. And section eight be amended to read as follows: That at the general election for the choice of county officers, there shall be two county commissioners elected to serve for the term of two years each, and one for the term of four years: *Provided;* That this act shall apply to the counties of Clarke, Thurston, Yakima, Kitsap, Walla Walla, Chehalis, Lewis, Klickitat, Whitman, Spokane and Columbia.

SEC. 2. This act to take effect and be in force from and after its approval.

Approved November 26, 1883.

AN ACT

TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LEWIS COUNTY TO BUILD AND ERECT BRIDGES.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of county commissioners of Lewis county be, and they are hereby, authorized and empowered to expend any sum not exceeding five thousand dollars per annum, for the erection of bridges in said county, to be paid as other county expenses are paid.

SEC. 2. This act to take effect from and after its passage, and to be and remain in force for two years.

Approved November 26, 1883.

AN ACT

TO CHANGE THE NAME OF THE TOWN OF CENTERVILLE IN LEWIS COUNTY TO CENTRALIA.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the name of the town of Centerville in Lewis county be, and the same is hereby, changed to Centralia.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved November 21, 1883.

AN ACT

TO ESTABLISH THE COUNTY SEAT OF GARFIELD COUNTY AT POMEROY.

SECTION 1. That the county seat of Garfield county be, and it is hereby, established and located at Pomeroy in said county.

SEC. 2. This act to take effect and be in force from and after its approval.

Approved Oct. 20, 1883.

AN ACT

TO AUTHORIZE THE BOARDS OF COUNTY COMMISSIONERS OF THE COUNTIES OF KING, PIERCE, LEWIS AND THURSTON TO HOLD THEIR ANNUAL SESSIONS AS BOARDS OF EQUALIZATION OF TAXES FOR TERMS OF FOUR AND THREE WEEKS RESPECTIVELY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the board of county commissioners of King county be, and it is hereby, authorized to hold its annual sessions as a board of equalization of taxes as provided for in section 2,873 of the code, for a term not to exceed four weeks for said purpose.

SEC. 2. The board of county commissioners of Pierce, Lewis and Thurston counties is authorized to hold its annual sessions as a board of equalization of taxes, for a term not to exceed three weeks.

SEC. 3. The proviso, "that said term shall not exceed two weeks in one county for this purpose," contained in said section 2,873 of the

code, is hereby repealed, so far as the same relates to the counties of King, Pierce, Lewis and Thurston.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved November 28, 1883.

AN ACT

FOR THE PAYMENT OF BILLS FOR PRINTING ELECTION BLANKS, NOTARY AND COMMISSIONER OF DEED BLANKS AND OTHER BLANKS FOR THE USE OF THE SECRETARY'S OFFICE.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of one hundred and thirty dollars and fifty cents (\$130.50) be, and the same is hereby appropriated out of the territorial treasury for the purpose of paying the bills for printing blanks for the use of the secretary's office for notaries public, commissioners of deeds, election and other purposes as per vouchers submitted.

SEC. 2. The territorial auditor is hereby directed to draw a warrant upon the territorial treasurer in favor of N. H. Owings for the said sum of one hundred and thirty dollars and fifty cents (\$130.50).

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

Approved November 28, 1883.

AN ACT

FIXING COMPENSATION OF THE TREASURER OF LEWIS COUNTY.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That from and after the passage of this act the county treasurer of Lewis county shall receive for his services as such treasurer a salary of four hundred dollars per annum, to be paid quarterly out of the county treasury.

SEC. 2. Said salary shall be in lieu of all fees and percentage now allowed by law for the compensation of county treasurers.

Passed the House October 26, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council October 31, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 25, 1883.

AN ACT

TO ENABLE THE COUNTY COMMISSIONERS OF YAKIMA COUNTY TO BUILD CERTAIN BRIDGES IN YAKIMA COUNTY.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That the board of county commissioners of Yakima county are hereby authorized to build or cause to be erected two bridges in Yakima county; one of said bridges to be erected across the Yakima river, at some suitable point near Yakima City; and the other of said bridges across the Nachess river at its junction with the Yakima river.

SEC. 2. That said bridges shall be paid for out of the general fund of said county, and without the levy of a special tax therefor: *Provided*, That the said county commissioners, shall not pay more than five thousand dollars for both said bridges.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect from and after its passage and approval.

Passed the House Nov. 26th, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 27th, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 23, 1883.

AN ACT

TO LEGALIZE CERTAIN ORDINANCES AND PROCEEDINGS BY THE CITY OF SEATTLE, IN CONDEMNING A STRIP OF LAND FOR A PUBLIC STREET.

Be it enacted by the Legislative Assembly of the Territory of Washington:

SECTION 1. That whereas the common council of the city of Seattle did on the 4th day of June, 1883, pass a certain ordinance entitled "ordinance No. 396, for the extension of Jackson street and to provide for the condemnation of real estate necessary therefor," and whereas the said common council did also, on the 6th day of July, 1883, pass another ordinance entitled "ordinance No. 410, to amend ordinance No. 396," each of which ordinances were duly approved by the mayor of said city and published as required by law, and whereas the said city of Seattle did, by virtue of the said above mentioned ordinances, proceed to condemn and make compensation for, and took possession of and expended large sums of money in grading and improving a strip of land for a

public street known and called Jackson street, which said strip of land is bounded by lines running as follows: Commencing at the former eastern extremity of the south boundary line of Jackson street, in McNaught's second addition to the city of Seattle, and running thence easterly to the western extremity of the south boundary line of Jackson street in Burke's second addition to the city of Seattle; thence north sixty-six feet; thence westerly to the former eastern extremity of the northern boundary line of Jackson street in said McNaught's second addition to the city of Seattle; thence south sixty-six feet to the place of beginning and whereas, by an inadvertence and clerical mistake the following words to-wit: "Be, and the same is, hereby appropriated to the use of the public, as and for a public street, to be called Jackson street," contained in the said ordinance No. 396 were omitted in the said amendment made by said ordinance No. 410, which said inadvertence and mistake was not discovered until after the proceedings and expenditures above mentioned had been made; now, therefore, the said ordinances and all proceedings thereunder are hereby declared legal and valid, and that the said above described strip of land is hereby declared to be a public street in the city of Seattle, to be known and called Jackson street.

SEC. 2. This act shall not be so construed as to deprive any person or persons of the right to due compensation for any land taken by the said city of Seattle, for said public street.

SEC. 3. That this act take effect and be in force from and after its approval by the governor.

Passed the House Nov. 26, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 27, 1883.

SEWALL TRUAX,
President of the Council.

Approved [No date].

AN ACT

TO PROVIDE FOR THE PAYMENT OF BILLS FOR PRINTING BLANK COMMISSIONS FOR GENERAL OFFICERS, COMMISSIONERS OF DEEDS AND NOTARIES PUBLIC FOR USE OF THE EXECUTIVE DEPARTMENT.

SECTION 1. *Be it enacted by the Legislative Assembly of the Territory of Washington:* That the sum of seventy-six dollars (\$76) be and the same is hereby appropriated out of the territorial treasury for the purpose of paying for bills for printing blank commissions for general officers, commissioners of deeds, and notaries public and other blanks for use of the executive department as per vouchers submitted.

SEC. 2. The territorial auditor is hereby directed to draw a warrant upon the territorial treasurer in favor of William A. Newell, for the said sum of seventy-six dollars (\$76.)

SEC. 3. This act shall take effect and be in force on and after its approval by the governor.

Passed the House Nov. 22, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 23, 1883.

SEWALL TRUAX,
President of the Council.

Approved—[No date].

NOTE BY THE SECRETARY.

During the preparation of the foregoing laws for the printer the errors and omissions recapitulated below were found in the enrolled copies, the same having reached this office through the official channels as having passed both houses of the legislative assembly and received the approval of the governor. Such being the case I have deemed it my duty to print the bills and give the facts.

See page 30, "An act amending Chapter 193 of the Code, relative to the construction and maintenance of dikes and ditches." This act has no date of approval; the date printed at the foot of said act is an error of the printer.

See page 53, "An act to provide for holding a term of the district court at Port Townsend." This act passed the House November 13, 1883, and the Council November 14, 1883, but the approval is dated November 13, 1883.

See page 67, "An act to prohibit the sale of toy pistols, fire arms and tobacco to children under the age of sixteen years." This act passed the House Nov. 26, 1883, and the Council November 17, 1883. The approval is not dated.

See page 72, "An act in relation to prosecuting attorneys, defining their duties and fixing their compensation." This act passed the Council November 27th and the House November 28th, 1883, and the approval is dated November 23, 1883.

See page 105, "An act to supply deficiencies in the appropriation for the hospital for the insane for the fiscal years 1882, 1883." This act passed the Council November 23, 1883, and the House November 28, 1883, and the approval is dated November 23, 1883.

See page 137, "An act to incorporate the city of Whatcom." This act passed both houses November 24, 1883, and the date of approval is November 23, 1883.

See page 156, "An act to incorporate the city of Ellensburg." This act does not bear the signature of approval of the executive.

See page 417, "An act to enable the county commissioners of Yakima county to build certain bridges in Yakima county." This act passed the House November 26, 1883, and the Council November 27, 1883, and the approval is dated November 23, 1883.

See page 417, "An act to legalize certain ordinances and proceedings by the city of Seattle in condemning a strip of land for a public street." This act passed the House November 26, 1883, and passed the Council November 27, 1883, and the approval is not dated.

See page 418, "An act to provide for the payment of bills for printing blank commissions for general officers, commissioners of deeds and notaries public for use of the executive department." This act passed the House November 22, 1883; passed the Council November 23, 1883, and the approval is not dated.

See page, 415, "An act to establish the county seat of Garfield county at Pomeroy." This bill has no enacting clause.

Also, since the laws went to press the following typographical errors of the same character as the above, have been found:

See page 25, "An act relating to inspector of coal mines and ventilation of coal mines." This act was approved November 28, 1883, but date of said approval is omitted by the printer.

See page 70, "An act prescribing the mode of maintaining and defending possessory actions on unsurveyed public lands in this Territory." Date of approval November 28, 1883; incorrectly printed November 26, 1883.

MEMORIALS.

MEMORIALS.

MEMORIAL

PRAYING FOR AN ADDITIONAL JUDGE FOR THE TERRITORY OF WASHINGTON.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

The memorial of the legislative assembly of the Territory of Washington respectfully represents:

That its area of about 700,000 square miles, and population of 150,000, constitute thirty-three (33) counties; of these counties, three judicial districts have been formed, in each of which some twenty terms of court per year are held at the respective county seats, by one of the judges of the supreme court of the territory, assigned thereto, necessitating extended time for travel, to and from, irksome to the judge, and very expensive. That to enable the judges to attend all the terms appointed by law, the terms are necessarily of short duration, and business of importance cannot receive proper consideration. The judges are greatly overworked; their salaries are inadequate for the labor. The territory pays their extra travel, but the people are very far from being afforded necessary courts. In all the counties remote from those in which the judges severally reside, the people are practically without a judiciary, except at term time. That the three judges, assigned to said districts, constitute the supreme court to hear appeals and correct errors. All participate in the hearing and determination of all causes. "We hold this truth to be self-evident:" No judge should be subject to the delicate duty of trying whether his own decision should be reversed. If he be of that conscientious mould, of which judges should be made, he has decided as pertained to law and right, nor should he be expected to abandon an honest conviction, or admit errors: A court of last resort, so constituted, must of necessity afford rather the means for delay than prove a court of appeal for the reversal of error. To secure an appellate tribunal of three, neither of whom has prejudged the case, we ask for four judges, with a prohibition of the third judge, who tried the case in the district court, from participating in the hearing on appeal or writ of error in such cause.

Your memorialists, therefore, submit the act hereto annexed, providing for the appointment of an additional judge for the Territory of Washington and the division of the territory into four districts as therein provided, until changed by the legislative assembly, and earnestly pray for its passage.

Resolved, That 500 copies of this memorial, when signed and the act accompanying, be printed, and that the secretary of the territory be instructed to forward copies thereof, respectively, to the president of the United States, the attorney general of the United States, the chairman of the committee of judiciary of the senate and house of representatives of the United States, and one to each member of congress.

Resolved, That our delegate in congress be instructed to urge the passage of the law. And that we, in behalf of our people, hereby respectfully invite the cordial co-operation of the Pacific Coast delegations, in both branches of congress, to secure these needed reforms; the alleviation from a condition, which, at present, approximates to a denial of justice to the people of two-thirds of the counties of the territory.

Passed the Council November 27, 1883.

SEWELL TRUAX,
President of the Council.

Passed the House November 27, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved November 28, 1883.

AN ACT

TO AMEND SECTIONS 1864 AND 1865 OF THE REVISED STATUTES OF THE UNITED STATES, TITLE "THE TERRITORIES."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:* That section eighteen hundred and sixty-four, of the revised statutes of the United States be amended to read as follows:

"Section 1864. The supreme court of every territory shall consist of a chief justice, and three associate justices, who shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the territory, for which they are respectively appointed. Any three of said justices shall constitute a quorum, but the justice who heard or determined any cause or made any order or decision carried to said supreme court by appeal or writ of error, shall not sit in said supreme court in the trial or hearing of such appeal or writ of error, nor participate in the determination or decision thereof; but such appeal or suit in error shall be exclusively heard and determined by the other three justices."

SEC. 2. That section eighteen hundred and sixty-five, of the revised statutes of the United States, be amended to read as follows:

"Section 1865. Every territory shall be divided into four judicial districts, and district court shall be held in each district, by one of the

justices of the supreme court of such territory, at such time and place as may be prescribed by the laws of the respective territory; and each justice assigned as the judge to hold such district courts shall reside within the judicial district to which he has been, is or may be assigned: *Provided always*, That the four judicial districts of the Territory of Washington, until otherwise prescribed by law, shall be as herein defined, that is to say: The first judicial district shall embrace the following named counties; to-wit: Walla Walla, Columbia, Garfield, Asotin, Whitman, Spokane and Stevens; to which first judicial district is hereby and hereunto assigned Honorable Samuel C. Wingard, associate justice of the supreme court of Washington Territory; the second judicial district shall embrace the following named counties, to-wit: Pierce, Thurston, Mason, Chehalis, Lewis, Pacific, Wahkiakum, Cowlitz and Clarke, to which second judicial district is hereby and hereunto assigned, Honorable John P. Hoyt, associate justice of the supreme court of Washington Territory; the third judicial district shall embrace the following named counties, to-wit: King, Kitsap, Jefferson, Clallam, Island, San Juan, Whatcom and Snohomish; to which third judicial district is hereby and hereunto assigned, Honorable Roger S. Greene, chief justice of the supreme court of Washington Territory; the fourth judicial district shall embrace the following named counties, to wit: Lincoln, Douglas, Yakima, Kittitas, Klickitat and Skamania, to which judicial district is hereby and hereunto assigned the associate justice of the supreme court of the territory, appointed in pursuance of this act by which an additional judgeship is hereby created; and the said judges, each in their respective districts, are authorized to select the three places within the district, where district courts may be held, until the legislative assembly of said Territory of Washington shall have, by law, designated the place in such districts at which the United States business shall be transacted: *And provided*, That all courts, held by such justices pursuant to law, shall be courts of record, having common law as well as chancery jurisdiction, with full power to admit aliens to citizenship, as fully as the three said district courts, within each district: *And provided always*, That nothing herein contained shall be construed to prohibit the legislature of said territory of Washington to alter or modify said judicial districts.

SEC. 3. All sections and parts of sections of the revised statute, of the United States in conflict with the provisions herein are hereby repealed.

MEMORIAL

PRAYING FOR AN APPROPRIATION TO AID IN CONSTRUCTING CANALS IN KING COUNTY.

To the Senate and House of Representatives of the United States in Congress Assembled:

The legislative assembly of Washington Territory respectfully represent, That Lake Washington is a body of fresh water, twenty miles

or more in length and of about an average width of three and one-half miles, and of an average depth of eighty feet; that its length is parallel to the waters of Puget Sound and about two miles from the same, and its westerly banks constitute the east boundary line of the flourishing city of Seattle, in this territory; that immediately upon the north limits of said city, and between Lake Washington and the waters of Puget Sound is situated Lake Union, another body of fresh water about three miles in length, and about one in width, with an average depth of thirty feet; that west of Lake Union and opening into the waters of said Sound is Salmon Bay situated about one and a half miles from the said city of Seattle and immediately west of said Lake Union.

That Sammamish Lake is another large body of fresh water situated about six miles east of Lake Washington, nine miles long and one mile wide, with an average depth of twenty-five feet; that a small stream navigable for steam vessels drawing 3 feet runs from Sammamish Lake into Lake Washington, that the banks of Sammamish Lake and Lake Washington and the adjacent country abound in timber suitable for ship and all other building purposes consisting of fir, pine, cedar and ash, etc., etc.; that there are good agricultural lands near said lakes, some of which is now under cultivation, that the country adjacent to these lakes is a mine of wealth in timber alone, and needs but the fostering hand of the government to make it available to commerce; that settlers would seek homes in this section if any reasonable method could be had of reaching a market with their produce, crops and timber.

That Cedar river also, which takes its source in the Cascade mountains, flows into Lake Washington for a certain period of the year, and as the lake has a small outlet it becomes surcharged and frequently overflows and causes much destruction of property; also White river, another large river to the south of said Lake Washington also frequently overflows and turns the waters of Black river, a tributary to said White river, back, and forces them to empty into said lake, thereby increasing the ever-recurring danger to property; that said Cedar river runs through a belt of almost matchless timber lands.

That it is necessary that the powerful and generous aid of the government should be brought to bear for the purpose of opening these lands to settlement and cultivation; that Lake Washington can be appropriately called an inland sea and on account of its sheltered position, its phenomenal depth and absolute freedom from storms is unexcelled as a harbor for shipping.

That government engineers (and we hereby respectfully refer to the report of General Alexander now on file in the departments at Washington, D. C.) have reported upon the feasibility of making it accessible to ships and commerce; that it is incomparable as a naval station.

That the Newcastle coal mines which ship about one thousand tons of coal per day are in two miles of its eastern shore.

That for these purposes it is necessary to construct two ship canals, one eighteen hundred feet in length between Lakes Washington and Union and one three thousand eight hundred feet in length between Lake Union and the waters of said sound; that such canals would drain

Lake Washington about four feet, and while adding to its advantage as a harbor would reclaim several thousand acres of first-class agricultural land.

That a large immigration has already begun to the Puget Sound country and it is believed that the coming year will see the tide rapidly increased.

That incalculable benefits would be derived to the whole Puget Sound country by the construction of said canals. Wherefore your memorialists earnestly urge the attention of Congress to the importance of the construction of said canals and the improvement of Sammamish river, and zealously advocate a liberal government appropriation in securing the construction of said canals and improvement of said rivers, and that such aid be given and expended in such manner and under such direction as in the judgment of Congress is deemed advisable, and your memorialists will ever pray, etc.

Passed the House of Representatives Nov. 14, 1883.

E. C. FERGUSON,
Speaker of the House

Passed the Council Nov. 15, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 23, 1883.

MEMORIAL

IN RELATION TO THE TOWN SITE RESERVATION AT PORT ANGELES, W. T.

To the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the legislative assembly of the territory of Washington, would respectfully represent that the town site set apart by an act of congress at Port Angeles, Washington Territory, is unoccupied as a town or city, and that the reservation of the water front as in said act provided has kept capital and enterprise from developing this point. Your memorialists ask you to repeal said act reserving the rights of any one acquired under said act, and your memorialists as in duty bound will ever pray.

Passed the House November 26, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council November 27, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 28, 1883.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR THE IMPROVEMENT OF THAT PART OF OF THE COLUMBIA RIVER BETWEEN THE MOUTH OF THE WILLAMETTE RIVER AND THE LOWER CASCADES OF THE COLUMBIA.

To the Honorable Senate and House of Representatives in Congress Assembled:

WHEREAS, The rapid utilization of the power furnished by the numerous streams falling into the Columbia river between the mouth of the Willamette river and the lower Cascades of the Columbia, for the purposes of manufacture; and the settlement of the country on the north side of and along that part of the Columbia river is developing a vastly increased commerce on said river between the points named, the needs of which demand a safe and deep channel to the sea, and,

WHEREAS, There are rocks and shoals in the channel of the Columbia river between the points herein named which make the navigation thereof dangerous and difficult; therefore, be it

Resolved, By the house of representatives of the legislative assembly of Washington Territory, the council concurring therein,

First. That our delegate in congress be and he is hereby instructed to exert his influence to procure the appropriation by congress of the sum of fifty thousand dollars for the purpose of improving the navigation of the Columbia river from the mouth of the Willamette to the lower Cascades.

Second. That the secretary of the territory be and he is hereby instructed to furnish a certified copy of this concurrent resolution and preamble thereto for the president, president of the U. S. senate, speaker of the house of representatives and to our delegate in congress.

Passed the House November 14, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council November 15, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 23, 1883.

MEMORIAL

IN RELATION TO TIME OF MEETING OR HOLDING OF TERRITORIAL LEGISLATURE OF THE TERRITORY OF WASHINGTON.

To the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the legislative assembly of the territory of Washington, would respectfully represent: That the people of Wash-

ington Territory are placed under peculiar disadvantage, inasmuch as the election of legislators takes place nearly a full year previous to the meeting of the same, that is, the election is held in November, while the legislature does not convene until the following October.

Therefore we would respectfully memorialize your honorable body to so change the biennial session of this legislature, so that it shall convene on the first Monday in December following the election of the legislators, viz.: on the first Monday in December, 1884, and every two years thereafter, and your memorialists will ever pray.

Passed the House October 27, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council November 1, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 23, 1883.

MEMORIAL

ABOUT SCHOOL LANDS.

To the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the legislative assembly of Washington Territory now in session, would respectfully but earnestly represent, that the school lands of this territory, to-wit: The 16th and the 36th sections of each township, are becoming very valuable, in consequence of the rapid settlement of the territory; that these lands are held in trust by the government of the United States, for the purpose of creating a common school fund for the future state of Washington; that heretofore, and at this time, there is no official authority of the territory, charged with the care of these land and their protection from devastation; that there is upon these lands at various times and places, perishable property such as fallen and dead timber, grass, pastorage, fishing stations, from all of which a considerable sum might be realized each year, for the benefit of the common schools of the territory at the present time, without any injury or detriment in the value of these lands; that in the sparsely settled portions of the territory, schools are now organized and supported with difficulty, owing to the poverty of many of these settlers and the assistance which might be derived from the sale of such perishable property and from the lease or rents of such schools land for pastorage or otherwise (but not for cultivation) would be of great benefit to such schools in these sparsely settled districts, and furthermore your memorialists would respectfully represent, that authority should be placed in the hands of responsible territorial and county officers, who should be especially charged with the care and protection of these lands, to prevent depredations thereupon, and to prosecute all trespassers and depredators

thereupon, to the full extent of the law, therefore your memorialists would humbly petition that your honorable body would, by legislative enactment, impose upon the auditor of the territory, and upon the county commissioners of each county in the aforesaid territory, the duty of protecting the school lands of the territory, from trespass or depredation of any kind whatever, with authority to prosecute all trespasses or depredations to the full extent of the law, and that the aforesaid auditor and county commissioners in each county, should be authorized to sell all perishable property, to the highest and best bidder for cash, the proceeds thereof whether of fallen or of dead timber or of grass or pasturage, to be deposited to the credit and for the benefit of the common school fund in and of, and for the county where such sale has been made, or in which the land is located upon which this perishable property may be found, and that the said auditor and county commissioners of each county, may be empowered to rent or lease the school lands, or any of them in each county for the term of one year, but no longer, at one time; for pasturage or for fishing stations or for other purposes except cultivation, and except the cutting of green and growing timber, and the proceeds of such rents or leases to be paid into the treasury of the county wherein the land so rented or leased is located, for the benefit of the common school fund of the said county, the aforesaid lands to be rented to the highest responsible bidder for the same, and your memorialists will ever pray.

Passed the Council Nov. 23d, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House Nov. 26th, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved November 28, 1883.

MEMORIAL

RELATIVE TO FURTHER APPROPRIATION FOR THE CASCADE LOCKS.

To the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent, That a large portion of the people of our territory and the state of Oregon, have long suffered the peculiar difficulty of being hedged in from free water communication by the obstructions in the Columbia river where it passes through the Cascade mountains. Therefore, we respectfully urge, that justice to a population occupying an empire of more than three hundred thousand miles, one boundary of which is within one hundred miles of deep water where ships or steamers may receive their cargoes, demands the earnest protection of the work so long under way for our relief. We take pride

in presenting to your honorable body assurances that in the production of wheat and other grains, and in the gathered comforts of agricultural comes both in quantity and quality, we can vie with the most favored soils on the globe, and only ask a through highway and privilege of transportation upon the Columbia river, where without repeated transshipment our products may reach market and leave a profit to labor. Your memorialists, beg leave to represent to your honorable body, that the appropriations granted from time to time, have been inadequate to carry on the work economically to the government. Therefore economy as well as immense increase of our necessities in all respects call for the early completion of this work by the government.

To this end your memorialists earnestly pray, That the appropriation for the pursuance of this work be increased to five hundred thousand dollars, and for which your memorialists will ever pray.

Passed the House Nov. 14th, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 15th, 1883.

SEWELL TRUAX,
President of the Council.

Approved November 23, 1883.

MEMORIAL

PRAYING FOR AN APPROPRIATION FROM CONGRESS FOR THE MAINTENANCE AND OPERATION OF A SNAG BOAT FOR CLEARING THE RIVERS OF PUGET SOUND.

To the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the legislative assembly of the territory of Washington, would respectfully represent that your appropriation of \$20,000 for the construction and maintenance of a snag boat for the rivers emptying into the waters of Puget Sound has been nearly exhausted in the construction thereof, and that but little, if any, of the said appropriation remains for the use and operation of said snag boat,

We, therefore, ask your honorable body to make immediate provision for the maintenance and active operation of said snag boat for the services for which it was constructed, as in our opinion the same is very urgent and necessary.

All of which is respectfully submitted.

Adopted by the Council October 10, 1883.

SEWELL TRUAX,
President of the Council.

Adopted by the House October 11, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved October 17, 1883.

MEMORIAL

PRAYING AN ENABLING ACT FOR ADMISSION OF THE STATE OF WASHINGTON
TO THE UNION.

*To the Honorable Senate and House of Representatives in Congress
Assembled:*

The people of the territory of Washington by their legislative assembly respectfully but urgently protest against the further continuance by congress of the so called territorial government—a new creation of congress unknown to the constitution of the United States—the only warrant for such a political anomaly in our institutions being based upon a custom sanctioned so long that it has grown to be regarded as the necessary method whereby territory of the nation can be prepared for future states in the Federal Union. Earnestly this people pray that congress will remove their political disabilities, and that they may enjoy the constitutional guarantee of a government republican in form when the government derives all its just powers from the consent of the government. The settlers of this territory have brought hither to establish a state the necessary intelligence, loyalty and patriotic motive. It is conceded that they possess the necessary qualifications, but still they are denied the first and most essential element of American citizenship. They dare not participate in the selection of the chief magistrate of the nation; they are denied the right to elect their own officers; they cannot sue a citizen of one of the states in the federal courts, because they are not recognized as citizens of a state; they are denied representation in the congress of the United States; they cannot make their own laws; they are mere dependents upon your honorable body who claim to adopt rules for their government under an implied power that you make rules and regulations as to the disposition of the territory and other property of the government. In fact every relation of such a government to the congress of the United States exhibits a dependence as humiliating as that so terribly denounced in that grandest of indictments drafted by the immortal Jefferson arraiging the crown of Great Britain for withholding popular rights from our ancestors. Our people are a commonwealth: We are a state, though denied such name. As a state, as a people, as a community we are entitled to demand that the congress of the United States guarantee to us a republican form of government. The state and people of a state are but equivalent forms of expression, and it is not disrespectful when we urge as the paramount duty of congress the guarantee to us of a republican form of government. In urgency of which we respectfully submit:

First. That the people are sufficient in numbers to successfully maintain a state government. The population of Washington Territory largely exceeds that of many of the states when admitted. It is not less than 125,000, and well informed and observant persons place it as high as 150,000. The immigration now and for the past year has been unexampled in the history of the growth of American states and territories. It is also worthy of remark that transition from territorial

vassalage to statehood and sovereignty have always been followed by renewed growth, and surely the circumstances and present surroundings of this territory assure that increased prosperity, importance and wealth. We beg to refer to the admission of other states: California was admitted with a population of 92,597; Colorado at the census preceding admission numbered 39,864; Florida at the census following admission had a population of 87,445, while at the previous census numbered only 54,447; Kansas came in with 107,206; Iowa at the census before admission had 42,112; Nebraska at the census before admission 28,847, in 1869, 122,993; Nevada at the census before admission 6,857, subsequent 42,491 and in 1880 boasted a population of 62,666; Oregon was admitted in 1859 and at the census of the subsequent year had a population of 52,455. These statistics establish that our population greatly outnumbered that of numerous successful applicants for statehood. By all the precedents congress is concluded upon this proposition. Washington Territory possesses the requisite population.

Second. Our people are amply able to maintain a state government. This is demonstrated by a comparison of the valuation of taxable property in this territory with those of several states in the Federal Union:

Washington Territory, in 1883.....	\$44,107,567
Colorado, in 1880.....	43,072,648
Florida, ".....	29,471,227
Nevada, ".....	29,564,675
Oregon, ".....	46,422,817

In the support of an insane asylum, a territorial penitentiary and a university the territory annually expends over \$60,000. With the exception of the trifling contribution by the United States for the expenses of trying United States causes and the salaries of three judges, the district attorney and marshal, the people pay the expenses of their courts. The expenses of legislation are partially paid by the United States; the people elect the members, but their laws are subject to congressional approval. The governor and secretary are paid by the United States, but how cordially would the people pay their salaries for the democratic privilege of electing their own rulers. All these expenses are derived from taxation for territorial purposes in addition to our county, school, road and municipal taxes. The territory devoid of sovereignty owns no property and cannot hold any from which income can be derived, and thus it is the tax payers are called upon to bear this burden to maintain a government not of their own making.

Third. Our great natural resources, our future wealth, demand such recognition, and they are entitled to congressional representation to secure their development. With requisite population in numbers who have demonstrated their ability to maintain government, we pray that our disabilities may be removed and we be restored to those rights which belong to American birthright and citizenship; the right to select our own rulers, to make our own laws. We ask for nothing that is not your duty to confer. We pray only to be allowed to consider ourselves

citizens of the United States of America, and as in right, duty and good conscience we will ever pray.

Passed the Council November 21, 1883.

SEWELL TRUAX,
President of the Council.

Passed the House November 24, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved November 28, 1883.

MEMORIAL

PRAYING THE ABOLITION OF INDIAN RESERVATIONS.

To the Honorable Senate and House of Representatives, of the United States of America, in Congress Assembled:

That the continuance of race distinction by segregating a particular class of our native population, and confining them to reservations, treating them as inferiors and dependent, whether they be regarded as wards of the government, or prisoners upon such reservations, is inconsistent with the progressive spirit of the age, and the grand achieved doctrine of the republic, that all humanity are equal before the law. Discrimination on account of race which ignores manhood or equality and uniformity of right as men and women, is at variance with the theory of Democratic government, and surely native-born humanity of the United States cannot longer be regarded as aliens, nor can communities of such be treated as foreign nations.

That the the time has arrived when the Indian should be treated as other men are treated, with the same right to enjoy property, the same right to pursue happiness. That race should not be confined as prisoners upon, or be limited to reservations; nor should they enjoy rights to acquire or hold land superior to, or different from the American citizen. An Indian is human, he is neither more nor less than a native of our country, and your memorialists believe that a policy which recognizes his humanity and manhood should be adopted. They believe the reservation system of managing Indians a perfect failure, based upon principles radically wrong, uselessly expensive to the government, unjust and detrimental to the Indian, retarding alike his advancement and the settlement of the country in which such reservations have been declared. Large and valuable regions are continued as a wilderness, withheld from appropriation and cultivation by useful settlers. Indians are restricted to prison limits against their will, often kept there by the strong arm of military power, uniformly by the fear to leave. A vast amount of money is expended by the United States, intentionally for their benefit, but really in the useless employment of white persons who sign vouchers regularly, but contribute but little amelioration to those who have no desire that they shall continue among them, and who tolerate their presence because afraid to expel them. The reservation policy in no wise benefits the Indians. Reservations are by the Indians generally regarded as mere prison limits, restraining their freedom and

pursuit of happiness. They serve to keep alive the traditional prejudice that the Indians are a different, hostile and inferior race. Millions of acres of land have been withdrawn from the public domain, defeating the beneficent purposes for which reservations were established. In the United States, by the census of 1880, there are about 250,000 Indians, of which 66,407 are called civilized, being in the statistics of the Indian bureau, returned as "wearing citizen's dress." The aggregate area of Indian reservations is 241,764 square miles, or 154,741,534 acres, an average of nearly one square mile for every Indian, man, woman and child, or about four square miles for every Indian "who wears citizen's dress," or about sixteen square miles to each head of a family "who wears citizen's dress." In this territory, the reservations amount to 10,821 square miles, or 6,925,748 acres. There are about 14,000 Indians, of whom 4,405 wear citizen's dress, or two and one-half square miles to each so-called Indian citizen, about ten square miles, or 6,400 acres to each of said civilized Indians as are head of a family. The number of agriculturists, or of those who have capital, or can employ labor to utilize land is perfectly insignificant, and these poor creatures are made land-poor, by having land nominally given to them, which they can in no possible way utilize or render a benefit. Thus a charitably intended system is but an unmitigated curse to the donees. The government has presented an elephant to a squaw or papoose, expecting such helpless one to take care of the huge beast. Such being the practical view of the system, after a long trial, your memorialists respectfully urge that it should be abandoned. The government should assist the Indian by bestowing aid which is practical. To those who wish to acquire and hold land the free and most ample privilege should be extended. Those who have no desire to cultivate the soil, should not be restricted to reservation limits, where they cannot subsist themselves, and those dependent upon them, nor should they be forced to the pursuit of agriculture, if they prefer to live by hunting or fishing. Nor is there any reason why an Indian should have forced upon him a large quantity of land, when he neither wishes nor requires any, nor can he make any use of it. Neither, if he could cultivate such land, should he be entitled to more than a white man. Your memorialists favor the bestowal of land within these reservations upon such Indians as desire it. Such reservations might, for a period, be held subject to exclusive entry by Indians, who should be afforded opportunity, there or elsewhere, to locate 160 acres of land, upon terms more liberal than accorded to white settlers. After the expiration of such period, the bar to general settlement should be removed. Nor could such a policy be other than beneficial to the Indian settler. Even should he be unable to cultivate profitably, he would be surrounded with settlements which would enhance the value and desirability of his lands, and he would be abundantly more profited by surrounding white neighbors, than by the improvements made by himself. Large areas of reservation of Washington Territory, which for years the Indians have refused to appropriate, should be opened to settlement. Your memorialists therefore pray that a policy should be inaugurated by which the land within reservations remaining unoccupied at the expiration of a fixed period, say twelve months after notice, should be declared open to settlement alike to

whites and Indians. That until such period named, Indians exclusively should be permitted to take such lands. That each and every Indian should be allowed to enter a quarter section, and that no fees should be charged, and that the title should vest in him after one year's continuous residence, but the land should be inalienable for seven years. That the lands heretofore taken by Indians upon any reservation shall be confirmed to them with like inalienable condition, and that any Indian who has been restricted to forty or eighty acres allotment, may enter sufficient other land, either on their reservation or elsewhere to secure to him or her a grant of 160 acres.

Passed the Council Nov. 21, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House Nov. 24, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved Nov. 28, 1883.

MEMORIAL

RELATIVE TO INCREASED MAIL SERVICE BETWEEN SEATTLE AND WHATCOM.

To the Postmaster General of the United States:

Your memorialists, the legislature of the territory of Washington, would respectfully represent:

That the section of country along the eastern shore of Puget Sound, between the city of Seattle and Whatcom, on Bellingham Bay, and beyond to the international boundary of the United States, comprises one of the richest agricultural districts of Washington Territory, including, as it does, the rich and extensive valleys of the Snohomish, Stillagnamish, Skagit, Samish and Nooksack, the fertile islands of Whidby, Camano, Fidalgo and Guemes, and the prosperous and rapidly growing towns of LaConnor, Coupeville, Utsalady and Whatcom.

That owing to the unprecedented increase of population and business, which show no signs of diminution, the mail service of twice a week between Seattle and Whatcom via LaConnor, has become wholly inadequate. That the service ought to be increased at once to not less than four times a week.

In view of these facts, your memorialists request speedy and favorable action by your department, and as in duty bound your memorialists will ever pray.

Passed the House October 17, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council October 19, 1883.

SEWALL TRUAX,
President of the Council.

Approved October 26, 1883.

MEMORIAL

FOR THE REINSTATEMENT OF FRED. H. SPARLING.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington would respectfully represent, That Frederick H. Sparling entered the Naval academy of the United States, as a cadet from this territory on the 1st of January, 1880, where he remained until the 17th day of March, 1883, at which date he, then having but eight months left to complete his course therein, was dropped from the rolls because of his having received 20 more demerits than were allowed by the rules governing said academy. Your memorialists would respectfully represent, that the rigorous enforcement of said rule in this case will not only work an irreparable injury to a worthy young man in whom the people of this territory feel great interest, but would deprive the Navy as they believe of a valuable and promising officer. Your memorialists would further represent that said Frederick H. Sparling, is a young man of exemplary habits, gentlemanly deportment, of unquestionable honor and integrity, and is the son of a man who, during the late war, as a surgeon in the "army of the Cumberland" rendered efficient service to his country. That as they are informed and believe said Sparling was remarkably proficient in seamanship and had passed all examinations satisfactorily, and that none of the aforesaid demerits were for conduct of an ungentlemanly or dishonorable character, but were for minor and trifling offences, wherefore your memorialists pray for the reinstatement of said Frederick H. Sparling.

Passed the House Oct. 25, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 19, 1883.

SEWALL TRUAX,
President of the Council

Approved November 26, 1883.

MEMORIAL

ASKING FOR AN APPROPRIATION TO ERECT A CUSTOM HOUSE AND BONDED WAREHOUSES AT PORT TOWNSEND.

To the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington beg leave to represent to your honorable bodies that there are no government buildings at Port Townsend, the port of entry for

Puget Sound District No. 103, suitable for custom house purposes, and for use as bonded warehouses. That our commercial relations with foreign nations have increased until better facilities have become a necessity. We therefore respectfully petition your honorable bodies to make an appropriation for the building of a custom house and bonded warehouses at Port Townsend, Washington Territory. And in behalf of the commercial interest of Puget Sound your memorialists will ever pray.

Passed the House Oct. 5, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Oct. 16, 1883.

SEWALL TRUAX,
President of the Council.

Approved October 16, 1883.

MEMORIAL

RELATIVE TO ESTABLISHING A DISTRICT LAND OFFICE AT PORT TOWNSEND
WASHINGTON TERRITORY.

To the Honorable Senate and House of Representatives, of the United States, in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, respectfully represent, That the establishment of a district land office at Port Townsend, Washington Territory, for a district to be composed of the counties of Clallam, Island, Jefferson, Kitsap, King, Snohomish, San Juan and Whatcom would be a great benefit to a large number of settlers within said district; that said new district will contain over 18,000 square miles and more than 25,000 actual settlers. That Port Townsend is centrally located for the accommodation of said district, and for many other good reasons, we do most earnestly memorialize your honorable bodies for the fifth time to establish a land office at Port Townsend, Washington Territory, for a district to be composed of the counties of Clallam, Island, Jefferson, Kitsap, King, Snohomish, San Juan and Whatcom, in said territory, and your memorialists will ever pray.

Passed the House Oct. 12, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Oct. 16, 1883.

SEWALL TRUAX,
President of the Council.

Approved October 26, 1883.

MEMORIAL

FOR THE ESTABLISHMENT OF A LIGHT-HOUSE AT THE ENTRANCE OF GRAY'S HARBOR.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent, That a light-house is needed at the entrance of Gray's Harbor, inasmuch as said Gray's Harbor is one of the most important seaports on our coast, having an entrance scarcely one mile wide with low and dangerous sand banks adjacent. It has recently become the seat of extensive commercial and manufacturing industry, which is steadily and rapidly growing in amount. It is the only natural outlet to the markets of the world for one of the most extensive and valuable timber districts in the United States, also of a vast area, rich in agricultural resources, also coal, metals and other elements of wealth. Already a line of steamers is established between the Harbor and Portland the commercial metropolis of Oregon, and a line of sailing vessels to San Francisco the commercial center of the Pacific coast.

Other lines are projected and it is expected that next year a line of standard gauge railroad will connect the harbor with the great commercial emporium of Puget Sound.

We, therefore, respectfully petition your honorable bodies to make an appropriation for the purpose herein stated, and as in duty bound your memorialists will ever pray.

Passed the House Nov. 14th, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 15, 1883.

SEWALL TRUAX,
President of the Council.

Approved Nov. 23, 1883.

MEMORIAL

ASKING AN APPROPRIATION OF SEVENTY-FIVE THOUSAND DOLLARS FOR IMPROVING THE HARBOR OF OLYMPIA, WASHINGTON TERRITORY.

To the Senate and House of Representatives of the United States of America in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, having personal knowledge of the necessity of congressional aid for the improvement of the harbor of Olympia, Washington Territory, would respectfully represent, That the said harbor is the head of navigation on Puget Sound, and reported by Capt. Jas. S. Lawson, of the U. S. coast survey, as the best harbor on Puget Sound, for protec-

tion and anchorage of vessels; that at its head is situated the city of Olympia, the capitol of the Territory of Washington, a city of about 3000 inhabitants; having a large commercial interest that is now impeded by reason of extensive tide flats, which at low water prevent vessels from approaching and landing at the wharves of said city; whilst at high tide, the largest vessel afloat can discharge cargo at any of the wharves thereof.

The increasing manufacturing interests of said city demand that an outlet and inlet for the products of the several manufacturing interests, consisting of saw mills, flour mills, tanneries, brick yards, etc., should be permanently established; and the same can best be done by dredging and deepening a channel to intersect the channel of the DeChutes river, which flows into said harbor, and upon which many of the said manufacturing establishments are situated.

The flow of water from said DeChutes river through said channel, when deepened, will forever keep all open way for vessels of deep draft, at extreme low tide.

We would further represent that the city of Olympia is daily increasing in population; is eligibly situated for a large city, and will, in the near future, become a place of great importance, being the key to Puget Sound.

Its increasing importance as a railroad center, together with its extensive lumbering, coal and iron interests, demands consideration in the matter of harbor improvements of a permanent nature.

With all these facts in view and the necessity for such improvement directly before us, we respectfully ask your honorable body to appropriate the sum of seventy-five thousand dollars, for the purpose of dredging and deepening a channel as aforesaid; and otherwise improving the harbor of Olympia, Washington Territory. And to that end, your memorialists will ever pray.

Passed the Council Nov. 26th, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House Nov. 21st, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved Nov. 24, 1883.

MEMORIAL

ASKING FOR APPROPRIATION FOR GRAY'S HARBOR.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

The legislative assembly of Washington Territory respectively petition the congress of the United States to appropriate fifty thousand dollars to improve the navigation of the Chehalis river and Gray's harbor in said territory. The Chehalis is one hundred miles long, running

westward from a point near Puget Sound to Gray's harbor, which empties into the Pacific ocean. The river has many hundreds of miles of tributaries, some of which are navigable, and all adapted to the booming of timber, which abounds on millions of contiguous acres. The obstructions consist of bars, snags, tree and log jams, which, if removed, would make the river navigable for steamers for seventy-five miles, whereas now navigation is confined to thirty miles. The improvement once made would not require to be repeated.

Gray's harbor is one of the best bays and harbors on the Pacific coast, having an area of four thousand acres. The bar, at the entrance from the sea, may require to be removed to a slight extent and the channels somewhat of dredging to accommodate the rapidly increasing commerce and travel of that region. The river bottoms are of rich formation, much in high state of cultivation, and the adjoining high lands equal to the best for agricultural purposes. Population has doubled within one year, and is largely on the increase. No application made to your honorable body is more meritorious, and we pray favorable action.

Passed the House Oct. 30, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Oct. 31, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 23, 1883.

MEMORIAL

PRAYING FOR AN APPROPRIATION FOR CLEARING LEWIS RIVER.

To the Senate and House of Representatives, of the United States of America, in Congress Assembled:

Your memorialists, the legislative assembly of the Territory of Washington, would respectfully represent, That Lewis river, in this territory, could be made navigable for river steamers a distance of thirty or forty miles at all seasons of the year; that said stream is the natural outlet, and only channel of conveyance for the transportation of supplies to and produce from a large and growing community settled upon its banks; that it is, with one exception, the only navigable river in Western Washington Territory emptying into the Columbia; that said stream drains a large valley of rich agricultural lands; that its mountains abound in rich mineral wealth, such as gold, silver, coal, iron and lead; that there are yet immense tracts of government land suitable for agricultural purposes along said stream, yet unsettled, which would soon be settled upon, and improved if said stream was rendered navigable throughout the year; that in consequence of numerous bars and snags

in its bed, the navigation of said stream is seriously obstructed at all seasons of the year, and during the summer months entirely so, to the great detriment to the growth and prosperity of the country; that a portion of said stream has already been surveyed by the government, and that an appropriation of *fifteen thousand* dollars would remove said obstructions, and render said stream navigable throughout the year, thus opening up to the settlers along its banks a cheap and easy outlet for their products, and bringing within easy reach of the toiling masses of the people a large area of government land yet unoccupied.

Your memorialists would, therefore, respectfully pray your honorable bodies to pass an act appropriating *fifteen thousand dollars* for the improvement of bars and removal of snags in the said river, thus rendering it navigable for river steamers throughout the year.

And as in duty bound, we will ever pray.

Passed the Council Oct. 9, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House Oct. 11, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved October 16, 1883.

MEMORIAL

IN RELATION TO SURVIVORS OF THE YAKIMA WAR OF 1855 AND 1856.

To the Senate and House of Representatives, of the United States, in Congress Assembled:

Your memorialists, the legislative assembly of Washington Territory, would respectfully represent, That the early settlers of this territory, among other difficulties encountered by them in the settlement thereof, had to contend with the Indian tribes occupying the same, and gave of their time and property freely what was requisite to suppress hostility on the part of such Indians.

That while contending for supremacy, many valuable lives were lost.

That of such early settlers, a few survive.

That while the services of the soldiery of the nation have justly received at the hands of the general government a recognition of their services and patriotism, yet the brave men who defended the territory from savage incursion in the war, known as the Yakima war, of 1855 and 1856, have been by inadvertence overlooked.

Your memorialists call your respectful attention to the subject and pray for such a recognition of the services of the soldiery of the said

Yakima war, as in your judgment such services deserve, and as in duty bound will we pray.

Passed the Council Nov. 22, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House Nov. 26, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved Nov. 28, 1883.

MEMORIAL

PRAYING FOR ESTABLISHING OF ENTRANCE AND CLEARANCE PORT AT
WHATCOM.

*To the Senate and House of Representatives, of the United States, in
Congress Assembled:*

Your petitioners, the legislative assembly of the Territory of Washington, would respectfully represent, That the growing commerce and navigation springing up between the ports of Puget Sound and New Westminster, and other ports of British Columbia, require that an entrance and clearance station be established at Whatcom, and to that end would recommend that a deputy collector of customs be stationed at the port of Whatcom to accommodate such commerce and navigation.

All of which is respectfully submitted.

Passed the Council Nov. 17, 1883.

SEWALL TRUAX,
President of the Council.

Passed the House Nov. 21, 1883.

E. C. FERGUSON,
Speaker of the House.

Approved November 24, 1883.

MEMORIAL

ASKING FOR AN APPROPRIATION OF TEN THOUSAND DOLLARS FOR THE IM-
PROVEMENT OF THE COWLITZ RIVER.

*To the Senate and House of Representatives, of the United States of
America, in Congress Assembled:*

Your memorialists, the legislative assembly of the Territory of Washington, respectfully pray your honorable bodies to make an appropriation of ten thousand dollars for the improvement of the Cowlitz river, and as in duty bound your memorialists will ever pray.

Be it resolved by the Legislative Assembly of the Territory of Washington: That the secretary of the Territory of Washington be, and he is hereby, respectfully requested to forward copies of the foregoing memorial to our delegate in congress, and to the board of trade of Portland, Oregon.

Passed the House Oct. 29, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Oct. 30, 1883.

SEWALL TRUAX,
President of the Council.

Approved November 23, 1883.

MEMORIAL

PRAYING FOR SOME SUITABLE EXTRA COMPENSATION TO ROBERT WILLIAMS AND OTHERS.

To the Honorable, the Senate and House of Representatives of the United States, in Congress Assembled:

WHEREAS, Private Robert Williams, formerly of company H, 4th U. S. infantry, and now a citizen of the Territory of Washington, did, in March 1856, render gallant service in the defense of the lives and property of the early settlers of Washington Territory; and,

WHEREAS, Said services received merited recognition in paragraph four of general orders No. 14 of the army, as follows, to-wit:

HEADQUARTERS OF THE ARMY, }
NEW YORK, November 13th, 1857. }

General Orders No. 14.

PARAGRAPH FOUR.—In March, 1856, Sergeant Kelly, company H, 4th infantry, with eight (8) men gallantly defended a small block house and protected the public property at the Cascades, Washington Territory, for two days against a body of fifty Indians. He had one man, Private L. Rooney, killed, and two privates, F. Bemaun and O. McManns, wounded, the latter since dead of his wounds.

By command of Brevet-Lieutenant General Scott.

IRVIN McDOWELL,
Assistant Adjutant General.

AND, WHEREAS, The said Private Robert Williams was one of the gallant defenders named in the said general orders 14; and,

WHEREAS, The legislative assembly of Washington Territory did, on the 24th day of January, 1857, memorialize congress to grant extra pay or bounty to said Private Robert Williams and his comrades for their heroic and successful struggle against these hostile savages; and,

WHEREAS, More than twenty-seven years have passed without any substantial recognition of the services of these courageous and patriotic soldiers, therefore, be it

Resolved. By the House of Representatives of the Legislative Assembly of Washington Territory, the Council concurring therein—

First. That our delegate in congress be, and he is hereby, instructed to exert his influence to procure the passage, by congress, of an act granting to said Private Robert Williams and his comrades in arms, their widows and orphan children some suitable extra compensation, as bounty or otherwise, for their heroic conduct on that memorable and historic occasion referred to by the lieutenant general of the American army.

Second. That the secretary of the territory be, and he is hereby, requested to furnish a certified copy of this concurrent resolution and preambles thereto for the president, president of the U. S. senate, speaker of the house of representatives, and to our delegate in congress.

Passed the House Oct. 26, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 1, 1883.

SEWELL TRUAX,
President of the Council.

Approved November 23, 1883.

RESOLUTIONS.

RESOLUTION

IN RELATION TO ACTS PASSED, AND PROVIDING FOR THEIR TRANSMISSION
TO THE SECRETARY'S OFFICE.

Be it resolved by the House, the Council concurring, That all acts passed at the ninth biennial session shall, after their approval by the governor, be returned to the body in which they originated, and shall be delivered to the territorial secretary by the chief clerk of such house, and the clerk shall report his action to his respective body, giving the number of each act delivered by him to the secretary, which report shall be entered on the journal.

Passed the House Nov. 16, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council Nov. 17, 1883.

SEWELL TRUAX,
President of the Council.

Approved November 23, 1883.

RESOLUTION

IN RELATION TO MESSENGER.

Resolved by the House, the Council concurring, That the governor be, and he is hereby, authorized to employ a messenger to attend upon the executive chamber during this session, with like compensation as is paid the messengers of the legislative assembly.

Passed the House Oct. 12, 1883.

E. C. FERGUSON,
Speaker of the House.

Passed the Council October 16, 1883.

SEWALL TRUAX,
President of the Council.

Approved October 20, 1883.

TERRITORY OF WASHINGTON, }
OFFICE OF THE SECRETARY. } ss

I, N. H. OWINGS, Secretary of the said Territory, do hereby certify that the Laws, Joint Resolutions and Memorials published in this volume, have been compared with the originals deposited and of record in this office, and that they appear to be correctly printed as explained on page 419.

In testimony whereof I have hereto set my hand and affixed the great seal of said Territory, at Olympia, this 4th day of February, A. D. 1884.

[SEAL]

N. H. OWINGS,
Secretary of the Territory.

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